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NATIONAL BUREAU OF STANDARDS-1963-A



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MONOCOPY RESOLUTION TEST CHART

NATIONAL BUREAU OF STANDARDS-1963-A

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microfilm Publication M892

RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS .

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 9

Transcript Volumes (English Version)

Volumes 23-25, p. 8,044-9,089

Mar. 1-12, 1948



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1976

INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

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and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weissacker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

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Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Bueteftisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haefliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.

Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.

August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.

Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigt fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.

Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.

Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.

Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.

Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.

Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturm-fuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haeffliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Bueteftisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Bueteftisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Bueteftisch	6
Duerrfeld	8
Haeffliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

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but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

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Roll 9

Target 1

Volume 23, p. 8,044-8,448

Mar. 1-4, 1948

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 23

TRANSCRIPTS
(English)

1-4 March 1948 pp. 8044-8448

OFFICIAL TRANSCRIPT OF MILITARY TRIBUNAL VI, CASE VI,
IN THE MATTER OF THE UNITED STATES OF AMERICA AGAINST
EARL KRAUCH, ET AL, DEFENDANTS, SITTING AT NURNBERG,
GERMANY on March 1, 1948, 0900 HOURS, JUSTICE SHAKE
PRESIDING.

THE MARSHAL: Persons in the Courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session, God save the United States
of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, will you ascertain if all of the defend-
ants are present in the Courtroom?

THE MARSHAL: May it please Your Honor, all of the defendants are
present in the Courtroom with the exception of Kaeffliger who is absent
due to illness, and the defendant Gattineau, who is absent by permission
of the Tribunal.

THE PRESIDENT: Are there any announcements from the Defense?

Anything from the Prosecution?

MR. SPEECHER: We have a very brief announcement concerning our
intentions with respect to the answer of the Defense, dated 28 February,
1948, to the Prosecution's Motion of the 26th of February, 1948, concern-
ing an accounting for Documents.

This announcement is necessary because it relates to our cross-exam-
ination of the defendant Labros. The Prosecution will cross-examine the
defendant Labros today, on Ferben's relations to the Auschwitz concentrat-
ion camp, without taking any access whatsoever to the previously missing
weekly Auschwitz report which the Defense, in the meantime, has handed
over to the Secretary General.

We have not received an official translation of the answer because of
difficulties beyond the control of the Defense or the Prosecution, but
some of our German speaking staff have gone over this Defense answer and
we have noted that there are a number of charges made, and a number of
conditions set forth which we would wish your Honors to pass upon independ-
ently after we have had full time to make our application without taking

any intermediate action.

THE PRESIDENT: Now do we understand that the Prosecution will cross-examine the defendant Ambros generally?

MR. SPRECHER: Without reservations.

THE PRESIDENT: Very well.

Now the Tribunal finds it necessary to make one announcement. Because of circumstances, it will be necessary that the Tribunal recess this afternoon at four-thirty instead of four-forty-five. The 15 minutes that will be lost, will be made up at some convenient time soon.

Counsel for the Defense may continue with the examination of the defendant, Ambros.

DIRECT EXAMINATION

DR. OTTO AMBROS

BY DR. STORKEBAUM(counsel for the defendant Schneider)

Q Mr. Ambros, do you from your own knowledge, or did you learn by way of a Abwehrbeauftragter, (Counter-Intelligence Agent) whether Dr. Schneider, in his capacity as main Counter-Intelligence Agent of Farben, issued any directives or instructions for security police measures, - that is to say, - whether he issued any instructions according to the SD for Farben?

A No, I do not know of such.

DR. STORKEBAUM: No further questions.

BY DR. REINHOLD

COUNSEL for the defendant Dr. Meer:

Q Dr. Ambros, during your examination by Defense counsel you said that when you were given permission to erect a Buna Plant in the east, you did not particularly like that, on the one hand because you had enough chemical plants to take care of already, and secondly, because of the scarcity of manpower. You said that literally. I was not quite sure what you meant with the latter expression. Perhaps it might be expedient for you to explain what you meant.

A If I remember correctly I meant that the circle of my associates,-

that is to say, engineers, chemists, etc., because of the large number of tasks that had been designated, in about 2 billion dollars of construction work, - that those people should now occupy themselves with a new construction plant.

Q Thank you very much. That is enough. For what period of time have you known Dr. Struss? Approximately.

A Approximately from 1934, when I was taken over in the Sparte II, when I took over the intermediates group in Ludwigshafen.

Q Did you get in closer touch with Dr. Struss?

A I came in contact with him in his official capacity as Chief of the TMA office. I remember that at one time he had a meal at my house because our casino had not yet been finished at the time. However, I had no close personal relations with Dr. Struss for certain reasons.

Q Dr. Struss said during his interrogation that you were friend of his.

A To put that mildly, that is, at least, an exaggeration.

Q Would you tell me for what reasons you did not want to get into close contact with him?

A Dr. Struss was politically active.

Q Would you explain that to me a little more closely?

A One had to be careful with Dr. Struss, because Dr. Struss had relations with Party agencies in Frankfurt. I believe he was a Block Leader. I seem to remember that he was in some affiliated organization of the party, the NSKK.

Q You mean that he wore a uniform?

A Yes. And all of that seemed to make it recommendable to be on one's guard, - when talking to these people. That was for a considerable amount of time until the end of the war.

It is certain that he believed for a long time that this end would not come. I always had the impression that it would not be expedient to talk about this subject with him.

Q Very well. Did Dr. Struss ever talk to you about events in

concentration camps?

A I do not remember, for such conversation belongs in the same category about which it would not be expedient to talk to Dr. Struss, so that I really cannot imagine that I should ever have spoken to Dr. Struss anything beyond official conversation.

Q In the meantime you may have heard that Dr. Struss asserts what he apparently had told you about events in the Auschwitz concentration camp?

A During my examination by counsel I have already rejected that quite clearly.

Q You maintain that?

A Yes, I do.

DR. REINHOLD: Thank you, I have no further questions.

DIRECT EXAMINATION (Continued)

DR. AMBROS

BY DR. SEIDL (Attorney for defendant Duerrfeld)

Q Dr. Ambros, last Saturday you testified that in the Farben
Auschwitz plant engineer Murr was in charge of construction first, and
after him Oberingenieur Faust took over, and that in October of 1942
Dr. Duerrfeld was placed in charge of construction installation work.

You further testified that in the following years, together with the
chemists Dr. Brauns and Dr. Eisfeld, he was part of the plant management.
In this connection I want to ask you, since when have you known your
former associate, Dr. Duerrfeld?

A I believe that I explained Duerrfeld's name was mentioned to me
for the first time when I was in charge of the first Buna Plant in
Schkopau. At that time I obtained the hydrogen which is a combustible
gas from Leuna and it was Dr. Duerrfeld who undertook the technical
risk to transport this gas under an atmospheric pressure of 200 for 15
kilometers. That was considered as a technical miracle in our circles
at that time, and I know that I inquired, "Who is this Duerrfeld?", and
I was told "that is one of our promising engineers, who is not only an
excellent construction man, but also an engineer who is interested in
chemistry." That was all at the time. When in February of 1941, the
Auschwitz plant was being planned, and when it had been resolved to
found an alliance between Sparte II, Buna and Sparte I for synthesis,
it was quite obvious that this partitioning to two spheres should be
also undertaken for personnel. The man in charge of construction was
Mr. Faust. He came from Ludwigshafen, and so the idea crept up that
the machine engineer should come from the other plant.

When the leading engineer at the time, Dr. Sauer, who was in Leuna,
made the suggestion that we should appoint Duerrfeld, I was very glad
to get such an excellent engineer. I, of course, made inquiries about
Duerrfeld, and I was told that in the meantime he had taken over the
gasoline plant that the Standard and Shell and I.G. Farbenindustrie

had jointly constructed in Pöhlitz, and that it was due to Duerrfeld that this plant had been actually built.

The impression of this technical genius was affirmed with me, and I heard that he had proven himself in social welfare work there as well, that is those questions dealing with housing of workers, dwellings for them, etc. There is another impression that I want to mention from those times. Dr. Duerrfeld was a sportsman. He was the chief of a Glider Plane group; in the few hours of his spare time he had formed a Glider Plane Group with the Farben workers and these 3 or 4 wings that he wears on his jacket, show that it was not only in the office where he could fly his glider planes, but that he could actually take the machine out, and this entire impression of technical man, man of social understanding and a man who could be to-gether with the young people and play with them, as a sportsman, that gave me the picture which made me accept Laund's suggestion to make Duerrfeld the first engineer of the Auschwitz Plant, and I thought it was a very good suggestion. It was subsequently shown when he was employed.

Q Dr. Ambros, you testified that every year on the average you had been about four times in the Auschwitz Plant of Farben; that it may have been a little more or less.

A Yes, that is right.

- In that connection, I want to remind you of Dr. Gleason's testimony, who also repeatedly visited Auschwitz and who testified here in this room that due to his definite observations, the conditions in every aspect improved every year - technical and social conditions. I want to ask you whether you, during your visits in the Auschwitz Plant in Farben, did also have that impression, and what is the reason for that?

A I believe at one time it was stated that the underlying idea of employing the inmates - I am going to come to the most of the matter right away - that the underlying idea of employing those people, was to

have a cadre, there, a permanent staff of workers. That is to say, that one believed and was convinced that those people who came to Auschwitz who had to be trained partly for that work, that those people should stay together until the day when the production can start, and when it was hoped that finally there would be peace once more, and that this cadre should solve this task.

With much effort, this idea was verified more and more each year. During the first year it was an employment of inmates who came from Auschwitz and returned every evening there. Beginning at the end of 1942 the inmates lived in a work camp. Beginning with March, 1943, the influence of Farben was used to procure more food for those inmates than the legal ration of 1800 calories would permit. Then the "proper employment" - excuse me, that is a term that was used at the time - a proper employment, that is to say, that we endeavored to put round pegs into round holes, to put every man where he could do his best job. Duerrfeld succeeded in having the physicians among the inmates put into hospitals, to have the chemists, physicists and natural scientists put into the laboratories; to have the bookkeepers keeping the books next, of course, to some German control personnel. The salary book-keeping, recording system and time-keeping system was done by inmates. The German workers were given the time sheets of the inmates, and they were prepared by the inmates in the offices. You could see inmates telephoning with Breslau and Berlin for procurement of material. It is, of course, obvious that they also phoned to their homes, so far as they had any homes, but Mr. Seidl, nevertheless, we did have many difficult times. I do not want to paint an ideal picture. It was the 4th and 5th years of the war; we had air raids. There was terrible distress in Germany, and nevertheless Duerrfeld was able to make "the best of it" with his staff of people.

Q Dr. Ambros, you also testified that in the course of time you were able to get the SS guards out of the plant, and to have them stationed outside near the fence. I ask you, was the SS leadership ready to

accept this arrangement, or did one have to make an intermediate step first, to fence off individual parts of the plant? Do you know that from your own observations?

A My effective actual remembrance is confused with subsequent information and impressions that I received during the last year - it is just one year that I have been in Nurnberg - but I do know for sure that already in 1941 one began to fence off blocks, squares where a large plant of some sort was constructed, and in these squares no SS men had any further business. That was the preliminary stage for accomplishing the goal to have the entire plant fenced in, and to have the SS guards pulled out, but in order to get defense material, and the wires - excuse me Your Honors, if I go into so much detail, but we have such a terrific charge to answer - I must say that I was not even given the posts for the fences. The posts and the wire was not given, so we had to go very slowly, and much slower than we wanted to.

We do not want to say that that was the only reason that we constructed defenses because the SS were to be put outside. We wanted to have the fence anyhow, but in 1942, I believe, we achieved that from the moment when the inmate went through the gate into the plant, he could work next to the German workers and next to the foreign workers, free without SS guards. Perhaps there were some roving guards, but no stationary guards.

Q One basic question in connection with the Auschwitz plant of Farben: Was this plant to be an improvisation caused by the war, for the purpose of producing Buna and important fuels, or was this to be a permanent plant of Farben in the East of Germany to constitute a great social and technical accomplishment?

A It was first of all an official order to produce the synthetic plant and to produce Buna; all concerns were to be postponed for a theoretical plan, for we were under pressure to produce these things, but it is, of course self-evident that when dealing with all measures we were very liberal. For instance in Auschwitz we built first a

water line, a hospital and schools. City planning, very interesting planning was done. Auschwitz was to receive 12,000 residential units for 40,000 inhabitants, and in the project it is quite clearly evident that two-thirds of these residences were to be used for the Poles and one-third for the Germans. 8000 Polish dwellings were created and I believe the Decree of the Reich Labor Ministry, according to which these figures were given, was as follows:

Polish families, six units, six 4×8000 equal 48,000 Poles, and the German family has only 4 heads, that is to say, 4×4 equal 16,000, which would make for gasworks for the future 64,000 residents two-thirds Poles. That was the long range project which was, however, not unimportant either.

Q During your examination in chief before, you spoke about time —

THE PRESIDENT: Just a moment.

JUDGE LEVITS: Dr. Ambros, Dr. Seidl asked you whether or not Auschowitz was designed as a permanent organization and a permanent plant, or whether it was designed as a temporary plant. You never did answer that question. Could you do that in just a sentence? We would be interested in knowing what the original idea of this plant was, was it to be temporary during the war largely, or was it to be a permanent plant of Varkent?

THE WITNESS: Well, at the first moment when we were given the problem of dealing with Buna and gasoline it was thought to be temporary; but because of the volume of the plant we could not have it that way. Therefore, I answer your question clearly, that the plant was not to be an arrangement for the war only, although that was the first order; but later it was resolved to have the plant continue to exist and to be incorporated into the economic sphere of the east.

JUDGE LEVITS: About when was it decided to make it a permanent plant?

THE WITNESS: There was really never any definite formal decision made to that effect, for until the end of the war we only had two problems to deal with, 30,000 tons of Buna; the Buna plant, which was never completed, and the Ethanol plant, or the Iso-Octane plant. Although it was discussed at various times no official resolution was taken which would have exceeded the problems and those other demands that came from state authorities. However, I do not deny that technical

men and also other people thought about the manner in which this plant could be incorporated into the Eastern economy. To your question whether there was ever a resolution, I say: This was an enterprise that was planned for long range and, therefore, no such resolution was made. Until those critical facts, if you take into account that it was never completed and collection of work was completed.

JUDGE HENRICH: Thank you.

THE COURT:

Q Dr. Arbros, you stated just now that the plant was not finished, and that the deadline could not be kept. What effect did that have upon the rate of work in the plant itself?

A Isn't it the other way around? It didn't have any effect because this rate of work was normal, the difficulties of getting materials and skilled workers were too great, and therefore the plant was never finished.

Q Isn't it true partly that because of the scarcity of material the manpower in the plant should not be utilized to that extent in which you and the plant management desired?

A That is just what I said just now, Dr. Seidl. The difficulties of getting material, for instance, we could not get iron or cement, the trains didn't come in, and as a result we never had the problem of driving these people to work because we could not go any faster since the delivery of material was interrupted, but we also didn't have the experts. There are certain arrangements of machines where you need experts, for instance, lead workers, — if there are no expert lead workers, you cannot do anything. If you don't have the lead cover on a machine, then I cannot go on working. That is only a small segment of the many difficulties that confronted a construction site in the fourth and fifth year of the war.

Q Dr. Arbros, we know that the German plant management on the 19th January 1945 undertook an evacuation of the plant before the approaching Red Army. Do you know what happened to this plant subsequently?

DR. STEINER: Just a second. Is there any possible relevance in what happened after the Germans left in 1945? Objection.

THE PRESIDENT: The objection is over-ruled. We don't know ourselves, so let's find out if there is any connection. If there is not, we will not consider it.

A Originally, this plant was dismantled by the occupying authority, that is to say, the Buna plant was transferred to another place. Since six months now, it seems that Auschwitz is being built up again under Polish supervision....

Q That is enough, Dr. Ambros. One last question with reference to Exhibit 1119. This is the affidavit that you signed on the 20 April 1947, to be found in Book 72 of the Prosecution. You don't have to look at the affidavit. I refer to paragraph 27, where you deal with the recruitment of Free foreign workers in France.

A Is that my own affidavit?

Q Yes, that is your affidavit. From this paragraph 27, I quote one sentence "The recruitment of skilled workers in France for Terboor-Auschwitz was undertaken by Adolph Querrfeld on behalf of the Plenipotentiary General for Chemical Questions." Do you remember this part of your affidavit? Can you tell me in a few words what you were doing at those times, what was concerned there?

A As we have shown in my Document Book No. 4, we were concerned with these groups of workers to aid installation work from France and Belgium. This is the plan that Mr. Krauch explained. We wanted to get voluntary workers from abroad for assembly work. The Plenipotentiary General, (GFBachem) mediated for these workers and Mr. Querrfeld reported to him or his representative what kind of work had to be done, what the living conditions were, what the salary conditions were, and other many questions that are necessary when you hire an assembly group. It may be that an expert came to Paris from Auschwitz to talk to these French assembly firms, tell them what equipment to take along, what are these

people to take along to wear in the East, because it is colder in the East than in the West. These problems Darrfield transmitted to the Belgian, French, Czechoslovakian workers from the HEBechan.

DR. SEIDL: I have no further questions.

THE PRESIDENT: Any further examination of this witness on behalf of the defendants? Since none is requested, the Prosecution may cross examine.

MR. AMCHAN: Your Honors please, if we could have a five-minute recess to physically organize the details I think we will save time as we go along.

THE PRESIDENT: The Tribunal doesn't see much reason for organization in cross examination. We will give you five minutes, but we will take it into account in the time we will give you for cross examination.

MR. AMCHAN: I think we will save more than five minutes.

THE PRESIDENT: All right. We will give you five minutes.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

MR. AMCHAN: With your Honors' permission, we propose to divide the cross examination between Mr. Minskoff and myself, and Mr. Minskoff will deal with the Count Three matters.

CROSS EXAMINATION

BY MR. AMCHAN:

Q Dr. Ambros, you attended, did you not, the meetings of the TEA and the Vorstand when the negotiations relating to Francolor, Rhone-Poulenc and Alsace Lorraine were discussed?

A I was present in the TEA when the stages and also the results of the Francolor negotiations were reported. About Rhone-Poulenc, or perhaps even the Alsace subjects, I do not remember, but it may well be that they were also discussed in the TEA (Technical Committee) during my presence.

Q Were you present at the Vorstand meetings when these negotiations were discussed?

A I believe I was also present in the Vorstand meetings.

You can see that from the lists of those present.

Q Were you not one of the administrators of Francolor?

A Yes. I was one of the members of the Council Administration of the Francolor.

Q And it is not a fact that Tor Maer and von Schnitzler were also on the Board of Administrators?

A Yes. Both these gentlemen and the late Waibl were members of the Administration of Francolor.

Q Now, in your Document Book No. 8 you submitted a series of documents relating to the production of the factories in France. Is it not the purpose of these exhibits to show that you and Farben kept the production of these plants going in order to sustain the French civilian economy? Is that the purpose of these exhibits?

MR. HOFFMANN: Mr. President, may I be permitted to make a brief objection against this question?

THE PRESIDENT: It will not be necessary, Dr. Hoffmann. You don't consider that the exhibits speak for themselves, and his purpose in offering them would not enlarge the scope or field?

Q (By Mr. Amchan) Is it your testimony, Dr. Ambros, that the production of these plants in France were kept going in France, in order to sustain the French civilian economy?

THE PRESIDENT: I think we can save time by indicating that you may ask him for the fact, but not as to whether or not his testimony is that, or is not that. The record will speak. But you may just ask him directly, counsel, if you wish.

MR. AMCHAN: Thank you.

Q (By Mr. Amchan) Is that the fact, Dr. Ambros?

A Perhaps you didn't finish your question?

Q Is it a fact that the production of the plants in

France were kept going by you and Farben in order to sustain the French civilian economy?

A I believe that in the direct examination of my counsel I have also given examples which show that a certain part of the production was sent to Germany, for instance; or I have also indicated that an indirect requirement of the army was covered. However, I said quite distinctly that it was my task to create a production capacity of Francolor and I emphasized quite clearly that the first step in this endeavor to put 12 thousand tons of dye stuffs into the Francolor venture, for at that time there was a military government, and a military government has the very responsible task of correlating the necessity of a production with the question what raw materials may be allocated for this, and, Mr. Jackson, it was very difficult, it was an art, to keep a plant busy producing such things that would not be contradictory to the military administration and served the economy.

Q Would you answer that directly, yes or no? Was my question correct, or not? Is it a fact?

A It is a fact that the production was not serving the French civil economy 100% and that certain parts of it were delivered to Germany, as vice versa certain raw materials came from Germany.

Q Did I correctly understand you to say that except for Centralite, no Francolor production was for the needs of the German armed forces. Did I correctly understand you to say that?

A Do you remember that I cited this the day before yesterday? As ...

Q Please, will you answer it directly?

THE PRESIDENT: Repeat your question, counsel. You said, "Did I understand you correctly?"

Q (By Mr. Amman) Did I understand you correctly to say that except for the production of Centralite no Francolor production was for the needs of the German armed forces? Did I correctly understand you to say that?

A No. Centralite was just an example that I cited. There were two or three other examples that I could mention, of products that also were sent to Germany.

Q Will you please give me the other examples of products that were manufactured in the Francolor plants which were only for the needs of the German armed forces? You gave Centralite. What other products?

A May I look up in my files?

A Go right ahead.

A Once it was taken into consideration Pentatherestril.....

Q I am sorry to interrupt. Could you give me the final result? Could you please name the product that was produced in Francolor for the German Armed forces? You mentioned Centralit. Were there any more?

A I cannot tell you with certainty whether the plan to send mononitro-naphthalene, that's also an intermediate product but that might be possible to be converted into an army product, but I don't have the document. Whether this plan was actually carried out. At one time it was taken under advisement by the military and perhaps it was done, to send Diphenylamine and mononitronaphthalene, they are both centralites. It was taken into consideration and it was also considered to send hexamethylenetetramine but it wasn't produced for that purpose then. I believe we are both reviewing the same document.

Q I am asking you the question; now, in your Exhibit 173 which is Your Document 801 you have an affidavit of Dr. Roell to the effect that on your initiative Francolor plants were to be kept open to produce certain enumerated products. He enumerates that in the affidavit and your index indicates and you testified about that, that the technical measures carried out, in connection with those products, related to the production of lacquer raw materials. Do you remember that? Do you recall that exhibit and that affidavit?

A If I may look at it, it would be simpler.

Q That's your document 801, Exhibit 173; the affidavit of Dr. Roell.

A 801. There are the products; phthalic acid and formaldehyde....

Q Will you just please listen to my question, Dr. Abrams: the question is on the products enumerated in that affidavit. Your testimony and your index — will you please look at the index indicate —

THE PRESIDENT: Now, Mr. Prosecutor, the index speaks for itself. I doubt very much whether it's entirely proper to charge that as the index of the defendant. He is represented here by counsel and he, we

presume, made the index. If you will just ask him for the facts instead of asking him what the document shows when the document is before us, I think we can save time.

MR. MICHAEL: Your Honor, please, I think I have to lay a foundation for succeeding questions but unless I can lay the foundation the succeeding question will not serve their purpose and I have no intention of having him interpret something that appears in the document.

THE PRESIDENT: You, of course, can lay the foundation but it is hardly proper to consume the time of the Tribunal to ask him what a document shows when the document is before us and it shows what it shows and we will have to judge that.

A I believe I can answer it briefly. The index is perfectly correct. It's correctly represented as laquer raw materials such as phthalic acid which is used for lacquer, formaldehyde is used for Bakelite, phenyl-naphtylamine is used for preserving rubber and phenyl-naphtylamine has been definitely stated as you can see in the next document and no military compounds were produced because standard plants of the Scheideanstalt did that work as I have explained and that pentaterythrite was to substitute for glycerine to be used for lacquer was produced just as it is done today. Pigment green is a dye stuff and the alkydal resin is also a lacquer. I have told that.

Q Did I correctly understand you to say then that all those products as described by you were produced and intended for the civilian economy of France for civilian purposes?

A No, for civilian purposes in Germany also. The chemical producer doesn't know whether Lacquer is being shipped. Ter Meer explained it. It may go into a ship or it may go into a swimming pool. That's what Ter Meer said.

Q I asked you, Dr. Adres, is it not a fact that the main reason for keeping the Francolor factory running was so that they could produce the product needed by the German Armed Forces. Could you

answer that "yes" or "no", please?

A I cannot answer that with "yes" or "no". We are now entering a field that was window-dressing at the time, as it is called. Certainly when certain documents are mentioned that the army had a direct or indirect interest for otherwise this Francolor would not have received one gram of coal. However, important are the facts: no explosives, no chemical warfare agents and nothing military was produced, so that no single air raid was needed.

Q Now, do you recall a conference in February 1942 with the Military Commander in France where you suggested that the direct and indirect requirements of the German Armed Forces be transferred to the Francolor plant? Do you recall such a conference?

A I do not remember the conference but it would prove what I just said now. May I ask for the document?

Q Now, I show you Document ML-14119 which we offer as Prosecution Exhibit 1907 which is a letter of 13 February 1942 from the Military Commander in France addressed to the Reich Ministry of Economy and I call your attention to the first paragraph which states: "At a conference which took place on 5 February in the Economic Department of the Military Commander with leaders of the I.G. Farbenindustrie, new suggestions were made by I.G. Farbenindustrie for the transfer of both the direct and indirect requirements of the Armed Forces to plants belonging to Francolor." Now, I ask you, Dr. Ambros, does that document refresh your recollection?

A This document does not contain my name nor have I never received it and it's written by a man from the Economic Ministry, Dr. Michel and it's written to colleague Dr. Mulert. I have nothing—

Q I ask you, Dr. Ambros....

THE PRESIDENT: Give him a chance to answer the question, counsel.

A May I read it once more?

Q Does it or not refresh your recollection that you had a conference

on 5 February with the Military Commander?

A I must answer that question in the negative. I do not know whether I was present on 5 February in this conference but, Mr. Anchan, I don't want to evade the contents. I can see very well that the product that I mentioned to you before are repeated on page 2 in detail. It says: "The suggestions of I.G. Farben concerned the following products, chiefly. For the direct needs of the Armed Forces." That's window dressing. "Centralit; diphenylamine; nitronaphtalene, dinitrochlorbenzene, pentacrythrit M, hexamethylenetetramine." Please permit me to analyze this?

Q Will you please answer the questions directly? Your Honor, may I ask you to please instruct the witness accordingly?

Do you recall... I'm sorry

THE PRESIDENT: Now, the view of the Tribunal is this; the witness has answered that the document does not within itself remind him as to whether or not he did or did not attend any such conference. That's a complete answer to that question. The witness then undertook to explain something about the contents of the document. That's a matter which counsel for the Prosecution must determine as to whether or not he wishes it explained. If he does not he has put the document in evidence and if it's entitled to an explanation at the hands of the witness, that's a matter for his counsel to determine on re-direct examination.

MR. ANCHAN: The Prosecution does not desire to pursue that document for purpose of explanation at this time.

THE PRESIDENT: Then the Tribunal has indicated its views, that when the witness said that the document does not within itself refresh his recollection as to whether he did attend this meeting, that's a complete answer and the question as to the explanation of the contents of the document is a matter between the witness and his counsel on re-direct examination. Ask your next question.

MR. VON BOSCH: Mr. President, could we ask the Prosecution to give

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us a few more copies of the exhibits to be offered into evidence otherwise the remaining defense counsel cannot follow the examination.

THE PRESIDENT: That has been done.

Q Now, Dr. Ambrose, do you recall that in April of 1942 you recommended that specific quantities of coal be made available to French lor plants so that they could carry out the table of products for the Armed Forces which you fixed? Do you recall that?

A I do not remember that I did that in April but it fits into my recollection that I did endeavor to procure coal for the Francolor in order to keep them going since that distribution of coal was under the control of the Military Administration I always had to repeat for window-dressing purposes: "You may get something perhaps." That's probably the letter sent to some OEH agency.

Q Now, I show you Document WL-14089 which we offer as Prosecution Exhibit 1908 which is a letter from you addressed to the High Command of the Armed Forces of 16 April 1942 and I direct your attention particularly to the bottom of page 2 of the German, the paragraph which states "In order to alleviate our manufacture as rapidly as possible and in response to the direct and indirect needs of armament we have cut down our original production program" and then at the top of the next page: "In accordance with the above we are forwarding you a table of production as planned for the coming period, Summer Program 1942.

A May I interrupt? Perhaps the interpreter could be given a text because he is translating freely, so that we can stick to the German text where it says "in order to alleviate."

Q Do you also note the last paragraph of that letter? "I would request your support, sir, in our endeavor so that there may be simultaneous and large scale release of our German labor for plants on the fuel, Buna and powder program which are of decisive military importance." Now, does that document refresh your recollection?

A May I think this over for a minute please?

Q Does it refresh your recollection?

A Yes, it does refresh my recollection that I suggested that products that were interesting for peace-time should be kept running with Francolor to keep the workers in France and thus to unburden some of the German peace factories so that the German factories could undertake to produce fuel, Buna and Powder. My suggestion was to let the Francolor produce lacquers and detergents and such things and permit the

French workers to remain in France where they are at home and stop taking the French workers away and converting the German enterprises from their particular work and permit the French to undertake the peace-time production. That is a very interesting document. I believe that's contained literally. I keep you, Colonel, to give me your support.....

THE PRESIDENT: Let the witness complete the answer but, doctor, make it as brief as you can.

A "...so that there might be a simultaneous release of workers in the fuel Buna and powder program." In France there wasn't any Buna plant nor a fuel plant. These are the German plants and I suggest that the French be permitted to stay at home and produce peace-time products and let the Germans undertake the war-time production. I suggested that to the high command of the Wehrmacht on 16 April 1943.

Q Now, Dr. Ambros, is it not a fact that the products listed in your production table cover direct Army Ordnance orders or SS orders and indirect orders for the Armed Forces given by Farben? Is that a fact?

A Before answering may I clarify an error which Mr. Sprecher made when interrogating Dr. ter Meer. SS had nothing to do with the SS.

Q One moment, please.

THE PRESIDENT: Just a moment, counsel. Let's just keep our bearing. Here you have included another question, the matter of whether or not these were SS orders. The witness in making an answer is entitled to put his construction on what he means by an SS order. If that's what he is trying to do he is entitled to do that. He is not to be required to accept the formula of the question in making his answer. Now, if you wish to refine your questions so as to limit the question we will let the witness answer.

MR. AMCHAM: I was just about to direct my question for the general purpose to instruct the witness to make first a responsive answer. As the cross examination is proceeding the witness undertakes to go into

collateral matters before he makes a responsive answer.

THE PRESIDENT: The Tribunal will instruct the witness to always make responsive answers but we can require him to make answers "yes" or "no" only in all cases. He must be allowed some lee-way in order that his answers may not be misunderstood and conveys the thought he has in his mind. Now, if the present question includes whether or not these were in conformity with "SS orders", the witness surely is entitled to explain what he understands or what he means by "SS orders."

MR. ANCHAM: I reframe the question to make sure.

THE PRESIDENT: I thought perhaps you could do that and perhaps obviate the matter.

Q. Thank you. Now, Dr. Ambros, is it not a fact that the products listed in your production tables covered direct Army Ordnance Orders and indirect orders for the Armed Forces which were given by Farben? Is that a fact?

A. Yes, there was one product that was demanded by the Army Ordnance Office that is an intermediate, - not an explosive, not a powder, the intermediate monitronaphthal and besides that Centralit. All other products were not manufactured and were not exported.

Q. Now, Dr. Ambros, I show you Document VI-14118 which we offer as Prosecution Exhibit 1909. That's a letter of 17 March 1942 from the Commissioner of the Wehrmacht for gunpowder and explosives and I note on the top right-hand corner your name. Now, I direct your attention to page 2 of the German, the paragraph beginning with "Whereas up to now in the field of the chemical industry too, orders streamed to France without any control whatsoever and with no system or central steering, a production plan is now to be drawn up for the plants belonging to Francolor, and this will embrace both direct and indirect orders which are important for the conduct of the war, and by utilizing all the intermediate and auxiliary products will guarantee the maximum use of power, etc." And then there are tables of particular products. Does that refresh your recollection?

THE PRESIDENT: It isn't a complete enquiry because you had only asked him does it refresh his recollection. As to what you endeavored to refresh his recollection about you have no indicated, counsel.

Q Does that refresh your recollection that all of the products listed therein related to your production program and covered the direct Army Ordnance orders and the indirect orders for the Armed Forces given by I.G. Farben?

DR. ROEYMAN: May I be shown the favor that because this letter comprises five or six pages this witness be permitted to read the entire letter before making his answer?

THE PRESIDENT: The witness may take his time to familiarize himself with the letter about which he is being interrogated within its reasonable limits.

Q Does your answer stand?

A It refreshes my recollection that a certain Col. Rotis makes a certain plan on behalf of the army and sends copies to private industry for their critical remarks. Please look to page 2 where you can see first orders of the Army Ordnance Office, SS orders has nothing to do with the SS, by the way: SS merely means especially urgent. "Besonders Dringlich". It has nothing to do with the SS; furthermore, you will find that in this table I began to make certain deletions against the order of the military and I did so only with the orders of the Army Ordnance. After Dinitrochlorol I put a minus there. Pentaurithrit, I put a minus there. The hexamethylentetrazine, I put an "X" there. The dianicol, I put a question mark there. So, therefore, remains only the centralit that I told you about last week and monitronophthaline which is really one of the most inferior products that were used in armament or perhaps were not even used at all. Furthermore, the letter emphasizes once more my idea of transferring to France so that the evacuation of French workers from these plants will be stopped because these workers were much better off at home than if they had been taken away.

THE PRESIDENT: The Tribunal will rise for recess.

(a recess was taken)

THE MARSHAL: The Tribunal is again in session.

DR. THEOBALD (for the defendant Buergin): Your Honors, I ask your permission that the defendant Buergin be permitted to absent himself from tomorrow's session so that he can prepare his defense.

THE PRESIDENT: That request is granted.

BY MR. AMCHAM:

Q. You just have before you, Dr. Ambros, Prosecution Exhibit 1909, NI-1118. Now I ask you, is it not a fact--

A. May I ask again what exhibit that was?

Q. Do you have before you the last document I handed to you, NI-1118, a letter of 17 March 1942?

A. Yes, thank you.

Q. Now I ask you, Dr. Ambros, is it not a fact that you suggested this manufacturing program to the military authorities? Is that a fact?

A. In the third paragraph on Page 1, it says--

Q. Do you understand my question, Dr. Ambros? Is it a fact whether you suggested this manufacturing program to the military authorities?

A. I am sorry but I cannot answer "Yes" or "No." I certainly assume responsibility for what is said in Paragraphs 2 and 3.

Q. I am not asking you about that document. I am asking you generally--

THE PRESIDENT: Counsel, when you speak of the manufacturing program, do you have reference to the program set out in this exhibit?

MR. AMCHAM: The general manufacturing program for Francolor.

THE PRESIDENT: Independent of this exhibit?

MR. AMCHAM: That is correct.

THE PRESIDENT: Then do you understand the question? The question is not directed at the exhibit but at the general manufacturing program of Francolor.

THE WITNESS: I was not one hundred percent decisive for the production of Francolor. That was the result of negotiations of the business

people on the German side, of the French group, a group of our technical men; and as in this case, the influence of the Army Ordinance Office, which also expressed certain desires. However, I shall be glad to take it upon myself to say that I was decisive in carrying out Francolor's production to the extent that I was the technical advisor of our chairman, Mr. Joseph Frossard, or the first director of the Francolor, Mr. Rul Frossard.

BY MR. CECILIAN:

Q. Now, Dr. Ambros, I show you Document NI-14245, which we offer as Prosecution Exhibit 1910. It's a letter from you to the High Command of the Armed Forces, dated 8 May 1942, and I direct your attention to the second sentence which reads, "The manufacturing program which has been drawn up in accordance with our suggestions to Major General Becht will in consequence be started without delay." I ask you, Dr. Ambros, does this document refresh your recollection that you suggested the program of manufacturing to the military authorities? Does it refresh your—recollection?

A. Yes, it does refresh my recollection that I sent the corrected production program that I discussed previously containing an important number of army required products that were deleted. This program that had been thus corrected I sent on and I took upon myself. That is correct.

Q. Now, as part of the production program for Francolor, was it not your purpose to have the entire personnel of Francolor plants work for the German armament?

A. No.

Q. Do you have before you NI-14115, which is Prosecution Exhibit 1909? I handed it to you a minute ago. I direct your attention to the bottom of Page 3 of the German, that is the bottom of 3 of the English, and do you see the last sentence reading, "In this way the entire personnel of the Francolor plants, which amounts to 3500 employees and workers,

will be engaged in manufacturing for Germany." Do you see that, and does that refresh your recollection that it was your suggestion, as part of the production program, that the entire personnel of the Francolor plants work for German armament? Does it refresh your recollection?

A. May I point out to you that this is a letter of a certain Colonel Retis. I cannot be responsible for statements made by Colonel Retis, who didn't know the circumstances. The fact remains that this program, as set forth on Pages 2 and 3, was not totally for German production. I shall be able to prove to you that the entire alkydol remained in France. The kurit glue remained in France. I cannot be responsible for what this Colonel drafted up in this document.

Q. Did you receive this document?

A. Yes.

Q. Is that your handwritten note on top? Your name?

A. Yes, I was sent the document because Colonel Retis drafted it and because I probably explained to him that the Colonel was mistaken.

Q. Now do you still have before you Exhibit 1910, NI-14245, which I handed to you a minute ago? Now there are two signatures to that letter, yours and Dr. Roell.

A. Yes.

Q. Now we ask you, is that Dr. Roell listed on that letter the same Dr. Roell who has made the affidavit which is in your Document Book 801 as Exhibit 172? Is that the same person?

A. Yes, that is the same Dr. Roell.

Q. Now in the winter of 1942, did you not inform Pressard of Francolor that the most important thing for Francolor was to keep the armament production going?

A. I do not remember that, but there may have been certain conversations dealing with this direct or indirect armament as it is contained in this program.

Q. Now, I show you Document NI-14091, which we mark as Prosecution Exhibit 1911. That is a file note of 18 December 1942 of a conference at

Ludwigshafen—I am sorry, it's a conference in Paris—on the subject of the manufacturing program for Francolor. Now I direct your attention to Page 2, which is Page 2 of the German. Do you see the paragraph reading, "On the basis of these coal allocations"—

A. May I interrupt you? Would it be possible to obtain a legible copy, one that can be read? It's impossible to read this. I beg your pardon.

(Copy is offered to witness.)

Q. Is the copy you now have legible?

A. Yes, very good. Thank you.

Q. Do you see the paragraph beginning, "On the basis of these coal allocations, Francolor drew up a program of its manufactures for the Military Commander as in Enclosure I. This was then checked by us. In consideration of the fact that the most important thing was to keep to the armament production suggested in the letter written by Dr. Jabros on 16 April 1942 to Colonel Becht in the High Command of the Armed Forces, we on our side drew up a new plan for production as in Enclosure II." Now I ask you, does that document refresh your recollection that the production of Francolor was to be kept going only for the armament production plant?

A. This document reminds me of it, yes; but we differ, Mr. Jackson, on the enclosures. In my own exhibit—I have the enclosures—and it would explain matters very much if I be permitted to read them as to what really constituted the armament program, for then you would see that this was window dressing. This armament program contains soap, and detergents. I don't know if your copy is as complete as is mine. I have it in toto here.

Q. I haven't asked you yet about any enclosures.

A. I can hand it to you. You may have it if you want it.

DR. HOFFMANN: I am sorry. I have no enclosures either and I would consider it important to have such an enclosure.

THE WITNESS: There are many enclosures that would be enlightening

and interesting.

BY MR. ANCHER:

Q. Dr. Ambros, I am directing your attention to the letter without any enclosures.

THE PRESIDENT: Just a moment, please. That is very well, but Dr. Hoffmann has asked you about whether or not there is an enclosure that has not been furnished to him in this exhibit.

MR. ANCHER: I haven't offered any exhibit with an enclosure now.

THE PRESIDENT: May I ask you—

MR. TCHUM: There is a question or two coming up on the enclosures later on. I think that will take care of it.

THE PRESIDENT: Very well. I am not quite sure that I know what the question is in the light of the objection that Dr. Hoffmann made. Will you, please, for the benefit of the Tribunal repeat your question so that we can get it now in light of what has happened?

DR. HOFFMANN: Mr. President, I assume that the question which the prosecutor made is propounded in regard to the entire letter, and if it is so propounded, then the letter must be produced in its entirety, and I presume from the defendant Ambros' statements that he needs the enclosures to completely answer the question. Therefore I ask you to permit an answer only if the letter is produced in its entirety.

THE PRESIDENT: There is no question in view of what I have just said that I am not sure that I remember what the question is and am in no position to rule on it until I understand it. Now just one thing further: if the prosecution has a part of this document that is not attached, it's proper that the defense should have it at the proper time, not necessarily as a part of this cross examination however. You are entitled to ask this witness with respect to what you heard him; however, in due time if Dr. Hoffmann requests a copy of this document for his redirect and it is in the possession of the prosecution, we shall expect it to be produced.

MR. ANCHAM: We shall certainly make it available.

MR. SPRECHER: Mr. President, if I understood the defendant on the stand, he has the enclosures with him, and therefore there is no problem for Dr. Hoffmann.

THE PRESIDENT: We do not know what enclosures he has in his hands; neither do we know what enclosures go in this document. We are not on the subject of enclosures now. Now I shall ask the prosecutor to restate his question and give Dr. Hoffmann a chance to object. We shall try to keep the question in mind and rule on an objection if one is made.

BY DR. JOHNS:

Q With respect to Exhibit 1911, which is NI-14901, I am calling your attention in addition to the last paragraph of the letter-- or rather the document--which says, "In summing up it can be said that in the coming period the Francor plants will only be able to keep going, practically speaking, through the armament program." Now I ask you, Dr. Ambros, does this document of the conference in Paris where you were present, of December '42, refresh your recollection that you informed Messard, of Francor, that the most important thing to keep the Francor plants running was the maintenance of the armament production program. Does this refresh your recollection?

THE WITNESS: Now, Dr. Ambros, keep that question in mind so that it will not be repeated, and let me say this: answer that question as directly as you can with "yes" or "no", if possible, but not necessarily say and remember that if you feel that further explanation is necessary, an opportunity will be afforded your counsel to take up the same document and give you your chance to say what you want about it. Now you say answer the question.

THE WITNESS: Yes, it refreshes my recollection, and we shall show the actual facts. The military authorities suggested it-- and your interpretation of it is incorrect.

BY DR. JOHNS:

Q Now, I show you Dr. Ambros, Document NI-14272, which we offer as Prosecution Exhibit 1912. It's marked: Enclosure II, Ludwigshafen, 11 December 1942, manufacturing program for Francor. Now I ask you, is that the enclosure that was attached to the last preceding document?

THE PROSECUTOR: Just a minute, Mr. Prosecutor, so that we have no further confusion. You mean whether the Prosecution Exhibit 1912 was the enclosure to the Prosecution Exhibit 1911?

MR. AMMAN: That is correct.

DR. STUBBS: (for the defendant von Schnitzler): Mr. President, since I am very much interested in the Francolor question as defense counsel for Dr. von Schnitzler, I should be grateful if I be handed this document, which is a request that I have made repeatedly of the prosecution.

THE PRESIDENT: Can you furnish--

MR. AMMAN: Yes, we have been handing right along five copies during the cross examination to defense counsel.

THE PRESIDENT: Have you not been getting copies of the document, Dr. Stubbs?

DR. STUBBS: No. As to the previous document 1911, I received no document without the enclosed.

THE PRESIDENT: Five copies ought to be ample for the meantime, and cannot someone give Dr. Stubbs a copy of this Prosecution Exhibit 1912?

MR. AMMAN: We have just furnished him one.

DR. STUBBS: Thank you very much.

THE PRESIDENT: Yes, this is part of the enclosure. There is another one that comes between the first and the second. I have that too. Your answer, yes.

BY DR. AMMAN:

Q Now in your Document Book VII, Exhibit 175, Document 604, you have a letter of October 27, 1942 which you sent to the Reich office for Chemistry, and it refers to the production of phenol. Do you confirm the reference in the appendix that it was a preliminary product for plastics and tanning?

A Yes.

Q Now is it correct to say that the document itself does not indicate the use to which the phenol was to be put?

A. Mr. Anderson, I do not remember that phenol was used for the purpose that you have in mind probably.

Q I am asking you about the document.

THE PRESIDENT: As a matter of fact, that is another case in which the document is not the best of evidence as to whether or not to state what the use of it is. Why take the time of the Tribunal to tell us what the document says:

Mr. Anderson: I asked him about his testimony whether he confirms the index and he has testified as to both his explanations what he said about the index and as to its use. Now as a preliminary question I am asking him whether his testimony is independent of the document or whether it is a document he is relying on as to the use of this product.

THE PRESIDENT: We will forget about documents and ask him what are the uses of the product and we will understand the testimony then.

MR. ANDERSON: That isn't the purpose of my question, Your Honor.

THE PRESIDENT: I frankly confess I am lost as to words.

MR. ANDERSON: May it put it again, if your Honor please?

THE PRESIDENT: Yes.

MR. ANDERSON:

Q Do I correctly understand your testimony to be that with respect to the exhibits dealing with this product phenol that you have just indicated, its use was to be put as it is described in the index, namely, for plastics and tanning?

A Yes, the index is absolutely correct, and proof for it is to be found in the fact that phenol production in Germany and in France was to be reduced because of the present formal situation. Phenol and formaldehyde are only found if the chemist wants to make plastics or chemical agents. The index is absolutely correct.

Q Do you intend by your testimony--do I correctly understand your testimony to be that through these exhibits you intend to convey the idea to the Tribunal that these technical products listed therein were intermediates which were to be manufactured for the civilian use indicated in your index?

A My defense counsel intended merely to prove with this document that I intervened for the existence of the phenol plant in Dissel in France. That was the purpose for which my defense counsel wanted to introduce that.

DR. HOFFMANN: Mr. President, I find myself in a difficult situation because of the manner in which this question was put. What I felt when this question about the index was put was that I doubt very much whether the defendant Ambros knows why he is constantly being forced to answer such questions. It isn't necessary to ask questions about the index and its significance. If you might perhaps, Mr. Prosecutor, ask directly what he believes --

THE PRESIDENT: There are a thing or two before the Tribunal, and the question has been answered for what it may be worth. Ask another question, and if you stay on the same subject, give Dr. Hoffmann a chance to state his objection.

BY MR. AMBROS:

Q Is it not a fact, Dr. Ambros, that the phenol production in the Frankfurter plants was to be used for the requirements of the enlarged fuse program of the German army?

A At the moment, I cannot remember that the phenol production of France was to serve armaments, for as far as I know matters, phenol is not an intermediate of a German explosive component; it was an intermediate of a French explosive component. But at that time no more French explosives were manufactured so that my remembrance, as far as chemical things are concerned, is the same though as expressed in this document in regard to the chemical factory in Dissel.

Q.- Now, I will show you HI-1490 which we offer as Prosecution Exhibit 1913. It is a letter addressed to you by the High Command of the Armed Forces, of 5 May 1942. And I call your attention to the third paragraph which states: "in addition it is noted --

THE PRESIDENT: I believe, Counsel, we might save a bit of time, since it's only fair that the witness have an opportunity to look at the document. Direct his attention to the part without quoting it, then ask your question about it.

MR. AMERMAN: Yes, Your Honor.

BY MR. AMERMAN:

Q.- Do you see the third paragraph dealing with the phenol requirements for the enlarged fuse program? Now, does this document refresh your recollection that phenol was to be used for the enlarged fuse program in Germany? Does it refresh your recollection?

A.- Mr. Jackson, we are both correct. That is to say phenol was worked into plastics together with formaldehyde, and certain people made fuses from these plastics. That's part of it. Well, the ignition is part of a shell. Mr. Jackson, like as it were there was chemical and no longer distinguish as to where the products are sent. Whether bakelite goes into a telephone or into the wheel of an automobile or to the Army -- and this is a letter of the Army -- which makes ignitions from this, we cannot tell that. Chemically we are both correct. The letter does speak about plastics, and you are right when you say that a man from the Army doesn't make any telephones from this, but makes fuses.

Q.- You knew, did you not, that this phenol production in Francolor was for the fuse program of the German Armed Forces? Did you know that?

A.- Of course, I knew that. That was an order of the Army.

Q.- Now, I ask you with respect to pentaerithrite, is it not a fact that the production of that product in the Francolor plant was for the direct needs of the German Armed Forces?

A.- No, that was for lacquer purposes, as can be seen from Document 803 or 804.

Q.- Now, I'll show you, Dr. Ambros, NI-14119, which is already in evidence as Prosecution Exhibit 1907, and on the second page you will note under "Direct Needs of the Armed Forces" pentacritrite. Does that refresh your recollection that that product was to be produced in Francolor for the direct needs of the German Armed Forces?

A.- Just a minute, please.

Yes, May I show you on the other hand yesterday's documents, that on the 13th of February 1942 --

Q.- If Your Honors please --

A.- Please permit me to explain. I can do this in one sentence.

Q.- Are you explaining Exhibit (1907), NI-14119?

A.- Yes, the exhibit of the 13th of February 1942. It was the desire of the Army to produce pentacritrite for the Military, and in Document 801, dated 21 March 1942, exactly five weeks later, it says since the Economic Armaments Office did not demand an increase in the production of the pentacritrite-M, I was decided to extend the plant in Villers from 25 to 50 tons per month -- only for that part to be used for the lacquer, Dr. Ambros. It was due to my efforts that no pentacritrite-M was produced for military purposes, but for peaceful or civilian economy purposes -- for lacquers. It may well be that the people from the Ministry of Economics had not yet understood that. The fact, however, is given in this document, and that's my answer.

Q.- Now, you referred to Exhibit 173, Document 802, in your testimony to phthalic acid.

A.- Yes.

Q.- Did you not order the Villers plant to be converted to an armament plant to produce, among other things, phthalic acid?

A.- I'm sorry. From phthalic acid nothing can be produced for armament;

only lacquers and dye-stuffs can be produced. But, Mr. Amman, that belongs to that part called "window dressing". You could tell the Army that it's important for military purposes, but every chemist will be able to prove now that nothing can be produced from phthalic acid that can be used for military purposes; nothing can be produced that burns or explodes; only lacquers and dyes.

Q.- Now, I'll show you III-14240, which we offer as Prosecution Exhibit 1914, and I ask you to note in the upper-left-hand side the written notation, "Villars must become an armament plant." And I also ask you to note in the middle of the page, "Phthalic Acid." Now, does this document refresh your recollection that the Villars plant was to become an armament plant to produce, amongst other things, phthalic acid?

A.- I cannot follow your argument. I'm sorry. From phthalic acid no armament products can be produced. No armament product can be made, but formally an enterprise can be termed "armament enterprise" so that it gets coal, manpower, and that the plant is not closed down; but phthalic acid will never become a preliminary product for armaments. That's a chemical fact.

Q.- Now, you refer to "window dressing". Did you hear that the military commander in France and the military authorities were engaged in window dressing with respect to the production of the Francoeur plant?

A.- A little while ago you produced a document about a meeting in Ludwigshafen on the 11th of December 1942. The French director, Louis Frossard, proceeded in all haste to Ludwigshafen and asked me for my assistance not to have the plant closed down because the military commander was not interested in their productions. It is not very difficult to fool the military; therefore, we could have had this program running until the last day of the war, producing things that we showed in our documents. That's what I call "window dressing," that formally you comply, and you state that it's important for the military, but practically all three Fran-

color factories remained plants for the private economy, with the two exceptions Monitronaphthaline and Centralit. The chiefs of the Francolor will confirm that to you today.

Q.- Now, Dr. Ambros, were you trying to deceive the German military authorities through this device of window dressing?

A.- I believe "deceive" is putting it a little too strongly. I intervened on behalf of the French firms as though those firms were my own. I fought for the coal; I fought to have the French remain there. The French are grateful to me even after the war for this. Sometimes it became necessary to project a certain picture to counteract the decree of Berlin; and then we always pushed forward Monitronaphthaline. Dr. Elise will certainly confirm to you that Monitronaphthaline is an absolutely insignificant product, but it's sufficient for window dressing towards the military and towards the office in Berlin.

Q.- Now, Dr. Ambros, isn't it a fact that all orders of Army Ordnance were channeled through Farben, and you regulated the production of the French plants to carry out those orders? Is that not a fact?

A.- The orders went to the directorate of Francolor, at Boulevard George Sand, and each time I was in Paris I took care of these upon the request of my president — my chairman — Mr. Joseph Frossard, and upon the request of the technical director of Francolor, Mr. Louis Frossard. I did this in execution of my duty as a member of the Council d'Administration de la Francolor. Yes, I tried and I achieved what has been demonstrated here.

Q.- Now, I will show you Document XI-14092, which we offer as Prosecution Exhibit 1915. That's a letter of 6 January 1943, signed by you and Mr. Reell, on behalf of Farben, addressed to Francolor. I'll direct your attention to the bottom of page 2.

That's on page 3, the top of page 3 of the English, Your Honors, just before the tabulation about the quantities of coal allocated by the Military Commander for carrying out the manufacturing plan for direct and indirect

Case VI, Case VI

Tehran orders.

And I'll also direct your attention to the last sentence where you refer to your responsibility to the military agencies by carrying out the production program.

Now, does this document refresh your recollection?

THE PRESIDENT: As to what, Mr. Prosecutor?

MR. ANCHUTIN: I haven't finished it yet; I'm sorry.

BY MR. ANCHUTIN:

Q.- Does this document refresh your recollection as to whether or not you directed the administration of the production program of the Francolor plants, to see that they conformed to the program of manufacturing for the direct needs of the Tehran?

THE PRESIDENT: Has that not been answered two or three times, Mr. Prosecutor?

MR. ANCHUTIN: That's the last document on that.

THE PRESIDENT: Very well.

Q Now, he testified --

THE PRESIDENT: Wait a moment.

Q Did you answer that?

THE PRESIDENT: No.

Q I am sorry. Dr. Ambros, do you have the question in mind?

A I am sorry, Mr. President; I thought you finished this question. Therefore, I have forgotten it.

Q Does that document refresh your recollection as to whether or not you supervised and directed the carrying out of the production program at Francolor to meet the needs of the Wehrmacht. Does that refresh your recollection?

A This document refreshes my recollection. The interpretation that you give to it is too far-reaching. You should produce the previous and subsequent letter that belonged to it in order to clarify the contents of this particular one.

Q Now, Dr. Ambros, you testified, did you not, that you do not know of any single case where Farben dismantled even one machine in France. Did I correctly understand your testimony to that effect? Is that correct?

A I was asked the question whether in France we dismantled one machine and brought it to Germany. The answer to that question is -- I do not remember that I dismantled one machine of the Francolor plant and brought it to Germany. On the contrary, machines and manufacturing units were transferred from Germany to France during the war to a large extent. That was the question in regard to Francolor. At the moment I do not remember that at any time anything was ever taken from Francolor to the Farben plant at Ludwigshafen.

Q Now, isn't it a fact, Dr. Ambros, that the program of the Main Committee for Gun Powder and Explosives which provided for the transfer of production of the French explosives and chemical warfare agent plants to Germany was carried out through the cooperation of a dissenting detachment of I. G. Farben. Is that a fact? Is that a fact?

A That is a fact which absolutely coincides with my description. There were poison gas plants in France and one day Speer or the Main Committee of Powder and Explosives decided that certain vessels, tanks, be taken from these chemical warfare agent plants of the French and he furthermore provided that for inventory of these tanks a Farben engineer should be made available. This engineer of Farben's was given a military order for carrying out this task. He was given a military certificate and travel order and that was true for many experts in industry that were sent by the military to Paris. These tanks were destined for Montan plants. This dismantling took place during the last months, I believe. They got stuck somewhere because of a blow-up, blew on something on a river. I don't remember any more.

Q Let me show you Document LC-403 which we offer as Prosecution Exhibit 1915 which is the war diary of the Armament and Procurement Staff in France for Armament and War Production and let me direct your attention to page 3 under "Production Facilities," item "2", where the reference is:

"For the new programs of the chief committee Powder and Explosives" and the last sentence, "Dismantling will be carried out by WEM 9 in collaboration with a dismantling detachment of the I. G. Farben Industry."

Now, does that document refresh your recollection as to the use of the I. G. Farben dismantling detachment to transfer machinery to Germany from France?

A Excuse me. Under paragraph 2 is something said about the labor service class of 1923? Oh, you mean under paragraph 1, "Production." Yes, at the bottom; perhaps you can give me the reference once more. I don't know where it is.

Q It is on page 4 of the Germany.

A What paragraph, please?

Q "2."

A I repeat there was no dismantling detail of Farben. Although I was not a member of the Main Committee Powder and Explosives, I still

remember that a dismantling engineer was given the military order to be present at the military requisitioning of a chemical warfare agents plant in a capacity as expert to supervise the dismantling of two tanks. These vessels, tanks, had nothing to do with Farben at all. They were transported to a Montauk plant and only the fact that an engineer of Farben was given a military order to be present as an expert seems to have caused the author of this report to speak about a dismantling detail of Farben; that is all. There are no machines. Nothing was dismantled for Farben.

Q I think you have answered it. Now, Dr. Ambros, is it not a fact that early in 1935 you were designated as being the person in Farben responsible for the entire field of glycerin and its substitutes? Is that a fact?

A No, that is not a fact.

Q Is it a fact -- is it not a fact that in 1935 you participated in discussions or were informed of discussion between Farben and the Army Ordnance Office relating to the urgent needs for the production of synthetic glycerin?

A That is also not a fact because in 1935 there was not yet any process for the production of synthetic glycerin.

Q Now, I show you XI-13563 which we offer as Prosecution Exhibit 1917 and I am directing your attention, Dr. Ambros, to the second page, the very last sentence about "inquiries addressed to I.O. are answered exclusively by Dr. Ambros who is responsible for the entire field of glycerin as well as the substitutes for it," and I also direct your attention to the first page referring to a discussion with Army Ordnance and the sentence that "a glycerin production process is urgently needed."

Now, I ask you, Dr. Ambros: does this document refresh your recollection that you were the person exclusively in charge of the glycerin program in Farben in 1935 and that you participated or knew of discussions with Army Ordnance relating to the production of glycerin. Does that refresh your recollection?

A Yes, it does refresh my recollection to the effect that actually at the time fermentation of sugar, according to the Kohnstein and Luedcke process, was discovered.

Q I didn't ask you about that.

THE PRESIDENT: Permit the witness to answer. If his answer is not responsive we will entertain a motion to strike it out.

Q I am sorry.

THE PRESIDENT: Go ahead and answer the question, Doctor.

A Thank you. As a student of Richard Willstaetter I was apparently consulted for this fermentation process in 1935, according to which glycerin is produced from sugar, and I can see that there was a certain amount of correspondence conducted about this of which I was not sent any copy. This correspondence took place between Dr. Ritter, for Huer and Krauch. A certain Mr. Schoepmann states that I was responsible for the entire field of glycerin and its substitutes. That is correct. The substitute of glycerin by Diglycol -- I believe I stated that sufficiently during the past few days -- I was responsible for that but the fermentation of glycerin I was never successful in.

Q Dr. Ambros, you discussed at length the acetone used to which Diglycol can be put. Now, is it not a fact that early in 1936, at the request of the Army Ordnance officers, you conferred with the explosives firms of Dynamit A.G. and Wesag as to their needs for Diglycol? Is that a fact?

A We have already treated that during the past few days. I don't remember it but I know that the Army Ordnance Office, upon the instigation of the American work of Hirtgenbach, wanted to have Diglycol. I also know that the German explosives plant could not produce Diglycol Dinitrate from Diglycol. We had certain conferences about this subject because it seemed surprising to us that the large Swedish firm of Bofors could do this very easily.

I am rather certain that during the conversations about the change of Diglycol and Diglycol Dinitrate I was consulted for I referred these

people from the explosives industry to this publication that my defense counsel submitted on Saturday as a document. According to this document Dupont was easily able to make Diglycol Dinitrate from Diglycol and, as a chemist, I was interested to see why the Germans should not be able to do this.

My answer is: yes, I would probably have interested myself in this at that time.

MR. SPEICHER: Mr. President, we are in a position where we must call for some assistance from the Tribunal. I believe the answer could have been made as Dr. Ambros finally made it in the last ten words. We are genuinely trying to attempt to fall within the general limits which your Honors have indicated with respect to the cross-examination.

THE PRESIDENT: Well, now, unfortunately the Tribunal cannot look forward to an agreement between counsel for the Prosecution and the witnesses as to what is and what is not an answer. That is the responsibility of the Tribunal. The Tribunal has stated its position and now will restate so that all may understand that where the question can be directly and simply answered we should much prefer it. However, you are going into a field here that is rather complicated, involving chemical matters and materials, and we cannot undertake to tell the witness that he must in every answer say "yes" or "no." We just ask for a good faith cooperation between counsel for the Prosecution and the witness in the hope to keep the cross-examination within as narrow field as possible and we will repeat once more again that the witness may bear in mind that it is not necessary for him to elaborate his answers because he thinks the matter needs further explanation. On redirect examination his counsel may go over these documents and afford him an opportunity to make a full explanation. Now that is all we can do about the problem now.

Q Can you tell me, Dr. Ambros, whether in 1937, at the request of Army Ordnance, you conferred with the explosive firms, Dynmit A.C. and Umag as to their needs for Diglycol?

THE PRESIDENT: Counsel, isn't that —

MR. ANCHAU: I didn't get the answer myself.

THE PRESIDENT: Counsel, isn't that --

MR. ANCHER: I didn't get the answer myself.

THE PRESIDENT: I understood your associate said the answer was in the last sentence in one word that would have satisfied you gentlemen.

MR. ALCHAN: I probably didn't get the answer.

THE PRESIDENT: Can you answer that "yes" or "no", Dr. Ambros?

A Yes. I repeat that it is possible that I had conferences with the people from the explosives industry about the state of reconversion of diglycol to its corresponding nitrate but I don't know it any more - but it is possible. I cannot give you a definite "yes" because I don't know it any more.

Q And did you not also confer with Dynamit A.G. and Wessag as to their facilities for storing and stockpiling diglycol?

A I do not believe - as I have explained already, this was done by Major Kleschlag; I read that in one of your documents - but it is possible.

Q I show you Prosecution Exhibit 118 which is KI-4492. It appears in Book V on page 130. That is a file note on a conference in Berlin on 25 January 1937 and I am directing your attention, Dr. Ambros, to item "4" which says:

"There is a lack of storage facilities for diglycol. Dr. Ambros has been asked by Army Ordnance to ascertain the demand of Wessag and Dynamit A.G. as well as storage facilities."

Now, does that document refresh your recollection that you also conferred with Dynamit A.G. and Wessag as to facilities as to storing and stockpiling in addition to their needs for diglycol?

A I do not believe that I had any conversation with Wessag and Dynamit A.G. but perhaps you remember that that was discussed at great length on Friday afternoon and that, when answering my counsel's question, I dealt with this subject in great detail and told him, "Read the next document, 119. There it is explained that it wasn't Ambros who was in charge of storage facilities but that it is Major Kleschlag". All that has been treated in great detail but I shall be glad to repeat that in Document 119 the explanation of your question can be found, that

it wasn't I who did it but Major Nieschlag.

Q Did you not report to the Army Ordnance Office that the diglycol production of Ludwigshafen was insufficient to meet the requirements of Dynamit A.G. and Waseg for 1937 and 1938 and that it would be necessary for the new Wolfen plant to supply the deficiency? Did you so report to Army Ordnance?

A I really don't know that any more.

Q Did you know of such a report having been made by your office to Army Ordnance?

A That is possible. It is possible that my office was asked: "How much diglycol are you producing?" I can see from the documents that the Ludwigshafen Plant produced very little - 100 or 200 tons, the demand of the peacetime army - well, perhaps 300 or 400 tons of diglycol. Diglycol is used for maneuvers and that may have been the reason for the erection of the army plant one time in the "Montananlage in Wolfen."

Q Do you recall that the report to Army Ordnance was to the effect that the combined needs of both Dynamit A.G. and Waseg for diglycol was 250 tons a month or 3,000 tons a year?

A It is possible but I don't remember it.

Q Let me show you Exhibit 119, Prosecution Exhibit 119, HI-4494, which appears in Book V, page 132; and will you look at the third page, the enclosure dealing with the memorandum of conferences in Berlin of 4 February 1937 and under the subject of "Diglycol". Do you note there the diglycol requirement for Waseg and Dynamit A.G. of 250 tons a month and does that refresh your recollection of the needs of Dynamit A.G. in relation to the production facilities of Ludwigshafen? Does that refresh your recollection?

A Yes, but not on my own. You can see from it that I never participated in this. I was sent a copy because at that time I was already the ethylene expert but I never participated in any meeting; neither in the

previous document nor in this document what Messrs. Buhl, Pistor and Wirth told to the Army Ordnance about this problem has nothing to do with me. The only connection is that I am a chemist. I know the diglycol process and that I had to turn this process over to these gentlemen some day or other. That is all. You don't find any of my initials. You only see that I got a copy. That is all. I don't know if that is the copy sent to me.

* Did you get a copy of that report?

* Yes, it is possible my name is on there but that is only an informational copy because I did not undertake anything, any initiative, in this matter. The initiative rested with directors Pistor and Buhl who wanted to build a factory in Wolfen. The only man who knew this diglycol process was I and I had to give it to them.

Q Let me direct your attention to a document which indicates the presence of Dr. Wittmer of I.G. and that at the same time he is acting as commissioner of raw materials. Now, I ask you: is it not a fact that Dr. Wittmer was designated by you as the I.G. representative on the raw material staff to collect all technical data about preliminary productions and raw materials needed for carrying out an explosive and chemical warfare agents program? Is that not a fact?

A No, that is not correct. He was not a representative of Farben. He is a one dollar a year man who was made available upon the request of the raw materials and foreign exchange office in order to be present as an expert in the ethylene field. It has nothing to do with Farben. You have documents where this man Wittmer, for instance, is my superior. He is only a dollar a year man. Such people are contained in every organization all over the world, where experts are made available. I stress emphatically he is not a representative of Farben in this matter.

Q Now, I am referring, Dr. Ambros, to February in 1937 and I ask you was it not the purpose of Mr. Wittmer's assignment to work at the raw material staff to work out a manufacturing plant for the production of explosives and chemical warfare agents. Wasn't that the purpose

of his assignment to the raw material staff of I.G. Farben?

A. No.

Q. Now, I show you Document HI-13521 which we offer as Prosecution Exhibit 1918. That is a letter of 14 December 1936 from you to Ter Meer, a copy to Krauch, and marked "strictly confidential." I direct your attention to the first paragraph and the second:

"As I already told you orally, we have, at the request of the Raw Materials Office, undertaken the job of drafting a manufacturing plant for the production of Lost and its preliminary products and of suggesting the measures which we consider to be necessary in the interests of the matter.

"Our Dr. Wittwer -- "

A. He doesn't say "I suggest measures"; he says "in order to suggest the measure."

Q. "Our Dr. Wittwer, who is in charge of this, will be assigned for this special order for several weeks and will work out our plan at the Raw Materials Staff."

And would you look further to paragraph "A":

"During the next few days Dr. Wittwer will, therefore, collect all the data about the technical stand of the process, will form an opinion on them and will then deal with the raw materials questions."

Now, I ask you, Dr. Ambros: does this document, your letter of 16 December 1936, refresh your recollection as to the nature of the assignment of Dr. Wittwer to the Office of Raw Materials Staff?

A Yes. Your last sentence is important, "in order to be able to work out the raw materials question." It is quite correct, there was a plan of the Army Ordnance Office. The Army Ordnance Office transferred the demands of the General Staff into production demands in order to work out the raw materials question. That was the task of the chemist Dr. Wittmer, whom we made available for a few weeks to work on this particular question, in order to work out a plan for raw materials. You are correct. The phrasing in the first paragraph is somewhat unfortunate, but, Mr. Nathan, the fact remains that Dr. Wittmer did not have the least idea about this process; he only knew about raw materials such as from gasoline to ethylene, and diglycol and glycol, as I have explained repeatedly during the past few days, and that was the task of this dollar-a-year man, to be an advisor.

Q Now when, Dr. —

THE PRESIDENT: Counsel, will you permit me to interrupt you long enough to say that I think that Counsel for the Prosecution have some concept of the ideas of the Tribunal as to the length of the cross-examination, and I don't deem it improper to remind you that you have used approximately two hours of your time? Now, we are not limiting you at this time, but my purpose in calling your attention to it is this, that perhaps the use to which you are putting these documents is consuming quite a good deal of your time, so I just ask you to bear it in mind so that you will not forget the limitations that we feel obligated to impose on you. You may go along. I did not want to call your attention to it too late to leave you without some recourse.

BY MR. NATHAN:

Q Is it not a fact, Dr. Ambros, that as a result of Farben's experiments with diglycol the entire production of explosives was changed in 1937 and nitroglycerin was replaced by diglycol as the base from which explosives were produced? Is that a fact?

A No, that is not correct, because there was no glycerine in Germany,

we did not have any fate. As a result of that, the Army was forced to look for a substitute. We were aided by the publication "Chemical Engineering", and Ministerialdirektor Zahn referred to diglycol as a substitute. That is the historical fact.

Q Now I show you NI-14071, which we offer as Prosecution Exhibit 1919. Now that is a copy of a series of lectures by the Main Committee on Powder and Explosives, made in 1943. Those lectures were sent out. I am directing your attention to page 6 of the German, which is page 3 of the English. Do you see the paragraph beginning - it is at the bottom of page 6, the last paragraph of page 6 in the German: "As I told you in my brief survey over the...."

A My copy is not numbered at all; the pages are not numbered at all. It begins with Number 11.

Q That is NI-14071, Prosecution Exhibit 1919. Do you see the paragraph there beginning:

"As I told you in my brief survey over the production of this powder, it was primarily produced for the use of nitroglycerine, a substance which is in no way available to the necessary extent in war-time."

Then there is a reference to I.G. Farben experiments, and then the last sentence:

"The experiments took an extremely favorable course so that in 1937 the production of nitroglycerine powder was given up, with the exception of a small part which was still being produced with solvents, and for the Army, Anti-aircraft Units, and the Navy, only nitrodiglycol powder (briefly, diglycol powder) was produced." Now, does that refresh your recollection that in 1937 -

A Mr. Amman, that is correct. This lecture might have been given by a German, American, or Russian, it is always, everywhere, the same.

Q And does it refresh your recollection that in 1937, in Germany --

A It was produced in Germany just as it was produced in other countries. I no longer know who gave this lecture, but it is a fact.

Q Is it not a fact that Farben was the sole producer of diglycol in Germany? Is it not a fact that Farben was the sole producer of diglycol in Germany?

A No. Farben and the Montan Plants - the Montan plants were operated by technical men of Farben.

Q Is it fair to say -

A Farben itself produced almost no diglycol during the war because we had only the small plant in Ludwigshafen. Ninety percent was produced in Reich-owned Montan Plants in Germany.

Q Were those plants operated by Farben or its subsidiaries?

A No, they were operated by technical men who were made available for this purpose, to operate these plants; not by Farben, but by technical men of Farben who were working in the Montan Plants. Farben was not participating in this, it did not expend any monies for this purpose. They were all Reich-owned Montan Plants.

Q You stated that in 1936 only 100 tons of diglycol was produced by Farben, and you stated that you knew it was for peacetime use. Is that correct?

A I would have to check over my figures, but I believe the entire production of diglycol in 1936 was 100 tons, and in 1937 I believe it was 600 tons a year. During the war it was 3,000 tons a month. That is an interesting comparison. I had to assume that this same amount was used for the customary maneuvers and shooting practice that is done during peacetime.

Q Did you know that in 1937, of a total production by Farben of 2,491,000 kilograms of diglycol, 2,325,000 kilograms went to the explosive factories? Did you know that?

A No, I did not know that. Perhaps if you give it in tons, one has a better picture of it and can remember the figures better.

Q Well, let me show you Exhibit 1617, NI-6170. It is at page 24 of the English; it is page 81 of the German. The figures there are on the production of diglycol, a reference as to Wolfen in Farben Industrie

in Ludwigshafen, and I ask you whether that document does not refresh your recollection as to the quantity of diglycol produced by Farben that went to the explosive factories. Do you see that?

A It shows how little was produced; yes, that is correct. It was a very small production. I will look it up; I believe it is on the previous page. I have seen this document here for the first time, and this 100 tons is contained on some page.

Q Let me direct your attention to page 61 of the original under item "C", "Production of Diglycol in 1937." Do you see that?

A Could you please give me the German page?

Q Page 61.

A There is no such page here. It stops at 48. Oh, I beg your pardon, page 29, the sentence: "The production of diglycol which was undertaken in Ludwigshafen in 1936 in the WH territory...." I don't know what that means, but I believe "WH" means an area where nothing is to be produced.

Q You don't have to talk about that, Mr. Ambros. The question I asked you was - just read that portion of the document and tell me, does it refresh your recollection as to the amount of diglycol produced by Farben in 1937, as to what amount went to explosive firms? Does it refresh your recollection?

A Yes, but I repeat, Farben produced very little. However, these 2,500 tons were manufactured by the Irbaten Plants of the Reich. Farben only furnished a few hundred tons, because it was displaced by the Reich-owned plants. It was the policy of Farben to withdraw itself from this field, to go slowly on this, and leave this matter up to the OKW agencies that were building Reich-owned plants for this purpose. I do remember this distinctly when looking at these figures.

Q Isn't it a fact that the success in the production of explosives by the German explosive industry, particularly Dynamite A.G., was due to the initiative and participation of Farben and the Plenipotentiary General for Special Questions in Chemistry in finding new means for

producing the intermediate products? Is that a fair statement of the situation?

A. I cannot make any statements about that, because I was able to show clearly during the past few days that I was not an explosive expert; my knowledge stops at the preliminary products. However, there is something interesting in this chart that you submitted to me. Perhaps you want to refer to it?

Q. I haven't asked you about that document; I asked you whether the general statement I made was a fair statement of the situation.

A. The entire capacity was not exploited in any way, not even to one half, in 1937. In other words, one didn't even want to have this material. That doesn't constitute armament if only 51 percent of it is being used.

Q. Let me show you XI-14071, which is already in evidence as Exhibit 1919, and I direct your attention to the bottom of page 12 of the German, which is page 4 of the English, and which is a lecture on the production and filling of explosives by a representative of Dynamite A.G., and I call your attention to that paragraph which says:

"I am now coming back to the beginning of my lecture, and let me repeat that the successes I reported constitute the result of consistent work lasting many years, whereby the initiative and participation of the Army Ordnance Office and the General Plenipotentiary for Special Questions for Chemical Production must not be forgotten."

Now, does that refresh your recollection as to the initiative and participation of Fartus and Brauch's office as to the success of the explosive program in Germany? Does that refresh your recollection?

A. May I repeat that I am not an expert in the field of powder and explosives, and therefore I cannot answer this over-all question.

THE PRESIDENT: Did you have something to say, Dr. Hoffmann?

DR. HOFFMANN: Yes, but I prefer to put my question after recess.

THE PRESIDENT: Very well, the Tribunal will rise until 1:30.

MR. AMERMAN: If Your Honor please, will the witness be instructed, during cross-examination, not to communicate with defense counsel?

THE PRESIDENT: We presume the witness knows the rules. That is the rule, is it not?

MR. AMERMAN: That is the rule.

THE PRESIDENT: Very well.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours)

THE MARSHAL: The Tribunal is again in session.

DR. JOFFELAND: Your Honor, before the beginning of the recess I just wished to point out that the prosecutor introduced a number of documents, always with the remark as to whether it refreshed the memory of the witness. I request that the prosecutor perhaps explicate this question now, about what point his memory is to be refreshed, because of the many documents which have already been introduced, and the result of this will be that I will need more time with my re-direct examination than I ever thought I would, because, at the moment, I have no way of seeing in what connection these documents are introduced.

DR. JEFFERSON: If Your Honor please, as I recall it, I distinctly directed the witness' attention to a document, and I always completed my answer, asking him specifically whether it refreshed his recollection as to a specific subject matter. And I gained the definite impression that the witness certainly understood the question to which he made a response.

THE PRESIDENT: Well, there is nothing presently before the Court. What has been done has been done. Ask your next question.

DR. JEFFERSON (Resumed)

CROSS EXAMINATION (Continued)

DR. JEFFERSON:

Q. Dr. Ambros, toward the end of 1936, did you not treat all correspondence of yours relating to Dora, intermediate products, Amendorf, among other things, as being military confidential?

A. I believe I recall that there were official regulations about the use of two or three types of rubber stamps, and the administration of those stamps was left by us to my secretary.

Q. Let me show you—

A. My secretary just put one of these stamps on these documents, and I personally have no way of knowing according to what regulations, which were given by the OKW to these offices, my secretary actually used these stamps.

Q. Let me show you NI-14253, which we offer as Prosecution Exhibit 1520. That is a letter of yours dated 12 October 1936, and you notice page 2, "military confidential mail". Would you please tell me, after looking at that letter, whether or not it refreshes your recollection that those matters listed there, were treated by you as military confidential? Does it refresh your recollection of the matters?

A. The letter is from me, and it is addressed to Justizrat Wagner, me, if I recall exactly--

Q. I didn't ask you to tell me all about it; does it refresh your recollection?

THE PRESIDENT: Now, Mr. Prosecutor--

THE WITNESS: Yes, it refreshes my memory.

THE PRESIDENT: That question is asked and answered, but it doesn't seem a thing to the Tribunal as to whether or not it refreshes his recollection unless we know what the subject matter is. *

MR. MICHAEL: May I proceed?

THE PRESIDENT: Go ahead.

BY MR. MICHAEL:

Q. Now you testified, Dr. Aebres, that around 1935 the Farben Vorstand rejected the demands of the OKW to produce poison gas on the ground that Farben did not wish to have its name associated with the production of poison gas. Now I ask you, Dr. Aebres, did the OKW, prior to September 1, 1939, exert any pressure on Farben with respect to producing poison gas?

A. Farben had to build the preliminary products for certain poison gases, for example, in Amersdorf, ethylated and thiodiglycol. Later, when H-Lest came in, Farben had to do the corresponding thing about H-Lest. Later, when the projects Ganderf and Hecla came up, and the analogous product to mustard gas had to be made there, Farben again had to give up the processes for this. Since it never received licenses for this, it never received any compensation for it, but just gave away its "know-how", this is an expression for the fact that somebody ordered it.

Q. Now, do you recall, Dr. Ambros, being interrogated on 10 April 1947 by Mr. von Halle, and do you recall these questions interrogated about Farben's policy with respect to the production of poison gas:

"Question: Well, why was this inquiry rejected?

"Answer: Directive by I.G. Farben. We don't produce any more.

"Question: Do you know whether that was discussed in the Vorstand meetings?

"Answer: That I cannot say.

"Question: Was the OKW satisfied with that?

"Answer: They must have been, because we could not be forced in peace-time."

Now, do you recall these questions and answers?

A. I was interrogated by Mr. von Halle 32 times. Many hundreds of pages were written, and the questions were supposed to be put down verbatim on these hundreds of pages, or Mr. von Halle was to make an extract out of it for purposes of the affidavit. We agreed at the time that he would make an extract. I signed this. Is that you just read from the extract, or is that from the draft of the hundreds of pages? May I ask you that.

Q. That is from an interrogation. Now, did you make those answers to these questions, do you recall?

A. Then I can only tell you I don't know. I wanted to help you out with my question.

Q. Well, let me show you HI-14267, which will be marked for identification as Prosecution Exhibit 1921. That is a copy of your interrogation, and please just direct your attention to the portion of the examination that I read on page 10. It is about the middle of page 10. Have you got that before you?

A. That, then, is the manuscript of one of those many sessions.

Q. That is right. Now, you discuss, in your testimony, Dr. Ambros, your exhibits about the styrene tree, the benzene tree, and you have undertaken to discuss chemistry at some length with respect to those matters. Now I ask you, Dr. Ambros, in your discussions with the Army

Ordinance from 1937 to the end of the war, did you ever discuss the
ethylene and benzene trees in the same sense that you discussed it
here in this courtroom?

THE PRESIDENT: Just a moment, I don't see any point to such an
inquiry.

MR. DANIELS: I will withdraw the question, then, Your Honor.

THE COURT:

Q. Now you testified, Dr. Abson, that the Karikall plan, which
you discussed with Dr. Knoch in June 1936, was nothing new, and that
it was only a new formulation of existing plans. Now, did you know
at the time that the program for the production of these products in
the Karikall plan was based on the military planning of equipping
60 to 90 divisions on a war footing? Did you know that?

A. First of all, may I correct you? I did not discuss the Karikall
plan with Dr. Knoch; thus, the premise to your question is not quite
correct. Since I did not discuss the Karikall plan with Professor
Knoch, I did not know that Germany had 90 divisions.

Q. Did you know that the production planning for explosives and
chemical warfare agents was to be based on a war footing consisting
of 60 to 90 divisions?

A. At the moment I don't recall that I knew this. I do not know, and I don't know when it was they spoke of a FP-60 plan. I don't know whether I thought at the moment that these were sixty divisions. This belongs to a field in which my memory and subsequent studies got mixed up here in Nürnberg.

Q. Now you just mentioned this particular FP-60-40 plan, did that refer to a production plan for sixty divisions?

A. I just said that I don't know just for certain whether I learned that here, or whether I knew that before. I knew only one fact which perhaps might help your question. That the Marshall plan had a predecessor in the OKW plan. Since I knew only one narrow sector of this whole plan, namely, the guns, and some preliminary products which concerned me, but no explosives, and no chemical warfare agents, I am a bad expert in this.

Q. Now I show you Document XI-31255, that is a letter from Mr. Beekler of I.G. Farben, addressed to Army Ordnance, 26 January 1939. I am directing your attention to the second paragraph which begins with the Dyestuff factory. Your Honor, you will note there reference to production 38-G, and suitable for FP-60-40?

THE PRESIDENT: Mr. Prosecutor, perhaps it would be better to have the document identified some way?

MR. LEEHAN: I am sorry. XI-31255 is Prosecution's Exhibit No. 1922. Now that refers to FP-60-40 in that document. I am sorry, Your Honor, it didn't come through the processing for the English translation on time.

THE PRESIDENT: Will it be here before long? Do you have any information when it will be available.

MR. SPEICHER: We have a copy for the secretary, and enough German copies so we can get along, but the English copies can come a little later, if that is satisfactory, as we have done that on a few occasions before when we had to furnish them.

THE PRESIDENT: Very well, Let me get that down so I can make a note of it. Give me again the document number and the exhibit number.

MR. ANCHAU: NI-24255, which will be Prosecution's Exhibit No.

1922.

THE PRESIDENT: Go ahead.

BY MR. ANCHAU:

Q. Now I am referring to FF-Production-Plan-60-40, does that refresh your recollection now that at that time you knew of Production Plan 60-40?

A. I answer that this is a document about which I am not an expert in any way. The letter was taken care of by a local department in Ludwigshafen, and discusses the field in nitrogen with which I had nothing to do. I have had nothing to do with nitrogen.

Q. Now - - -

A. (continuing) - -Go that this is no reference so far as I am concerned. This is a field with which I never had any dealings. I don't know the letter, and an expert in a completely different department took care of it, over whom I had no jurisdiction, so that it has nothing to do with me.

Q. Now, Dr. Boeckler signed that letter. Was he not the person designated by you to keep all the secret letters concerning your department?

A. Dr. Boeckler was a collaborator with Mr. von Kriesen, but somewhere there might be a reference that I asked Dr. Boeckler to keep the fields which concerned me in diglycol, but Dr. Boeckler kept a lot of them, for instance, like the Nitrogen Plant Oppau, of which I did not even have the remotest knowledge, and which belonged to my field in no way. In this respect it is evidence of which I didn't know, just as I didn't know of FF-60-40.

Q. Is it correct to say that in the German Army about twenty-thousand men comprise a division? Is that correct?

A. Mr. Anchau, I never was a soldier. I don't know how many soldiers are in a division.

Q. Now, you have seen Exhibit 609, NI-3790, and attached to that exhibit is a chart which you have referred to in your testimony, but the Prosecution did not submit that chart in its case. Now I show you that

chart, which is offered, and it is being marked now, NI-14303, that was part of Exhibit 609, NI-8790; this NI-14303 we offer as Prosecution's Exhibit No. 1923. I am asking you to please look at that chart, and tell me whether or not that chart, which was part of Exhibit 607, listing Farben plants which have certain capacities, and so on, refreshes your recollection that in February 1939 the planning was for a minimum of sixty divisions and a maximum of ninety divisions? Does that chart refresh your recollection?

THE PRESIDENT: Well, Mr. Prosecutor, the witness has testified to that. He was asked, does he remember, is this the chart that he made?

MR. ARCHER: No, this is an official chart from the document, and if I recall his testimony, he introduced a chart, or he testified about a chart appended to our Exhibit 609, and the chart we refer to is not this chart, which we are now offering.

THE PRESIDENT: I think that he said he didn't have any information or any knowledge that constituted or formed a division militarily speaking, and if his testimony is that this chart does not refresh his recollection, he has nothing to do with it. How could a chart refresh his recollection if he does not know about it.

MR. ARCHER: In the document there are specific records of I.G. Farben's production capacity, and so on, and this chart is part of that record. Now we are referring to the exhibit in 609 as to I.G. Farben's production, and this report also contains a chart. Our inquiry is to that chart, and my referring to that would be a proper subject of inquiry.

MR. HOFFMAN: Your Honor, may I be permitted to say that I have the same document in Book 6-A, and I have already offered it to the Tribunal.

THE PRESIDENT: Well, then, this withdraws the observation -- go ahead and ask the witness.

BY MR. ARCHER:

Q. Does that refresh your recollection?

A. No, it does not refresh my memory. In this document I believe you have mentioned four figures now, these two reports of the Reich Office,

and the two charts I appended to that. One chart we have introduced as 627 or 30 --

Q. Does this refresh --

A. (continuing) -- and this seems to be the second one.

Q. Does this refresh your recollection?

A. No, I have never seen that before. These are official documents which surely were "Top secret."

Q. Now after the invasion of Austria, did you believe that these increases in military forces in Germany were to keep the military forces at hand?

A. I don't understand your question. You said whether the Army -- get say, the purpose of the Army was to keep it at hand?

Q. When the military forces were increased in Germany, did you believe that the military force was to be used only within the German borders?

A. I do not know what was the military power, whether it was strengthened, or what its mission was. I am a chemist. I had my field of work, and I am not informed about military matters. I never was a soldier.

Q. Do you recall being interrogated by Mr. von Halle on 19 April 1947, and I show you NI-14243, a copy of your interrogation, which we ask to be marked as Prosecution's Exhibit No. 1924, for identification, and I direct your attention to the bottom of page 5 of the German, and I ask you if you recall the following questions being asked, and did you make the following answers:

Q. When did you suspect for the first time that an aggressive war was being waged?

A. I was afraid that in the year 1938 when the Sudeten-German Affair took place, war would break out. I was together with Bosch during the days when this Chamberlain Agreement came about.

Q. Was there any conference among the I.G. people about the preparation of war?

A. Basically, Lumsden received no products from the West during those years, and one had to assume that there was danger somewhere, I did not suspect, however, that it would culminate in the ~~fact~~ it did.

Q. You heard for the first time in September that there would be war against Poland?

A. Yes, during the last August days.

Q. Before your journey into the Belarussian?

A. Yes.

Q. Do you recall making those answers to those questions?

A. May I say the following about this, Mr. von Halle and I have made up over one-hundred pages in interrogations, and now you ask me a question whether I can explain these hundreds of pages in a documentary way, to make up a document or whether you would make an extract out of this in the form of an affidavit. In the one method I was able to, and that I would read it through page for page, and would acknowledge it by my signature. Only then would it have a documentary value.

MR. SPEECHER: Just a moment. Just a second. Just a minute --

THE PRESIDENT: Let the witness complete his answer. Wait until the witness completes his answer. If he does within reasonable limits, then we will rule on your objection. Go ahead and complete your answer. You have put in on him.

THE WITNESS: That Mr. von Halle said he would make an extract out of it in the form of an affidavit, so that the hundreds of pages would be put down in the form of an affidavit, which was submitted to us, and we then agreed on this with a very few changes. So that, Your Honors, in none of my affidavits did I have a basic disagreement about the contents of my affidavits. I only recognize those affidavits, and those which are not signed have no documentary value so far as I am concerned.

MR. SPEECHER: Mr. President, we had intended this to be the last question along this line, but it is utterly unresponsive to the question whether the defendant recalled those questions, and this was the only question, and nothing else, whether or not the defendant recalled having heard those questions and made those answers, or not.

THE PRESIDENT: That would have been entirely proper if you had not handed him the document. If you had asked him very simply if he remembered on a certain date he had an interrogation, and he said, yes, that is it in substance, or even, he had said, yes, or no, he didn't remember, and then probably under the circumstances you might have introduced the document to show whether he remembered it or not, but now you have handed him the document, and asked if he recall having made it. If it was a statement under oath, and he replied he made it under such circumstances, that does not refer to the fact of it having been made under oath, because he was not afforded the opportunity to check any of the substance. Now that seems to me to be the answer. It is one thing to use a document with which to impeach a witness, and another thing to hand him a document and ask him the circumstances under which he made it.

MR. SPECKER: He had not understood he was asked to state the circumstances under which he made it. That is what he proceeded to do. He was asked whether or not that fairly represents the questions and answers which he made. However, we will let the record stand with his answer.

THE PRESIDENT: It is in there anyway, that is all right.

MR. MCHUR: Mr. Minskoff is ready to proceed.

DR. HOFFMAN: Your Honor, since the Tribunal has made its statement, I am satisfied, but the fact that he had the hundreds of pages of interrogations of something introduced which actually was not sworn to, this seems to be decisive to me. I didn't want myself to point this out.

THE PRESIDENT: Do you have something else to say?

MR. SPECKER: That this counsel is making remarks concerning something which I don't fully understand, we feel that possibly some reply may be necessary. Dr. Ambrose was advised he was under oath from the beginning of all these interrogations - - -

THE PRESIDENT: Now, gentlemen, let's not resolve these questions to a point of attorneys testifying, unless you take the witness stand and be sworn to tell the truth and have some one interrogate you. Go on Mr. Minskoff with your examination.

BY MR. HINSKOFF:

Q. Dr. Ambrose, you testified this morning that you built a fence around the I.G. Plant-Auschwitz in order to keep out the SS, and thus conferred a benefit upon the inmates. Could you state, Dr. Ambrose, when that fence was completed?

A. I didn't say that this was a only reason, but I said, among other things this was one reason. There were reasons also, such as lack of guards, that was also why the fence was built, and about the rest of your question, they started first by fencing off small areas, and later it was expanded.

Q. Do you recall - -

A It was hindered by the fact that wire and fencing was lacking, and I could not tell you when the fence was actually completed. I wasn't there enough, and I didn't concern myself enough with this matter.

Q Do you recall approximately when it was substantially completed?

A No. These are problems which I do not know of.

Q In 1943, towards the end of that year, at the time the British prisoners of war arrived in Auschwitz, was this fence already in existence?

A May I repeat to you, I still do not know when the fence was erected. I am sorry but I don't know.

Q Thank you. Dr. Ambros, on 6 February 1941, when it was decided to take Auschwitz as a site for the Buna Plant, after your report on Auschwitz, did you at that time believe that there would be an adequate supply of free labor?

A I was convinced that so far as auxiliary workers were concerned, especially, during the time of construction, there would be enough workers locally which would be available. But on the other hand in my opinion leadership was lacking. Leadership perhaps is saying too much. Skilled labor who could direct the unskilled workers, especially, in view of the planned labor, therefore, I also expressed myself to this effect in a conference with Professor Krauch, that it would be a problem to secure German laborers and to settle them there.

Q Dr. Ambros, is your answer that certainly you did not contemplate the use of concentration camp labor on that day, 6 February 1941?

A I didn't think so, because otherwise, in this report which is in every detail, I would have pointed that out. This would have been a decisive matter.

Q When, Dr. Ambros, did the actual construction work at the site start, approximately?

A I know that the first surveying work was done in the first days of March 1941, and that one day the barracks were beginning to be built.

I know that the first construction engineer Murr already arrived in the final days of February. That he had then the assignment to look around for auxiliary workers at the labor offices in order to build the barracks, which Murr hoped to take over from the abandoned site at Patkowitz.

Q Dr. Ambros, will you explain how it is that at the very first construction meeting of I.G.-Auschwitz, at which you were present in March 1941, it was reported that SS Obergruppenführer Wolff promised to assign 700 prisoners of the Auschwitz concentration camp to assist in the building of the construction site at I.G.-Auschwitz?

A That surely was the result of the order of 26 February of the Reichsführer, which was translated on 4th or 6th of March 1941. The results of this was that the conference took place with Herr Wolff on 19th or 20th of March in Berlin, and at this conference this figure was probably discussed. I was not present.

Q Dr. Ambros, will you explain how within less than two weeks after the first decision to build a site at Auschwitz was made, that Reichsmarschall Goering issued an order to Himmler to provide concentration camp inmates for construction of I.G.'s Auschwitz Plant?

A I can give no explanation of this.

Q Dr. Ambros, you stated on direct examination that I.G. Farben was a chemical firm, and not a construction firm. Now, is it not true that there were at least fifty construction engineers working directly for I.G. Farben? You answer so we can hear it, shaking your head does not get it into the record.

A You are right, he was not finished, yet. Yes.

Q Dr. Ambros, may I ask you - may I explain this. Does this interest you as to why there were construction engineers - no, first, I want to know how many construction engineers, there were at least fifty, is that not true?

A The figure fifty might be too high.

Q Well, then, use your figure. You might have given it the other

day.

A. I gave it, yes, but I ask that it be given no documentary value: in order to make factories, there were one, two or three supervising construction engineers; these were in the gasoline plants, Puna plants, abroad and in Germany, and then there were specialists in the construction field, and isolation construction, railway construction, and, specifically, for chemical plants.

Q. Dr. Ambros, you stated that the firm of Isenhardt was a construction company. Now, you were manager of the construction company, were you not, from 1940 to 1945?

A. I was the business manager but I may say that since I am only a chemist the actual direction of the Isenhardt was with a construction firm made up of Construction Engineer Mandow, and the Machine Engineer Reimann, and I was perhaps the honorary member of this firm. I never was an active official there.

Q. You were the Geschäftsführer?

A. One of the business managers. There were three, not to excuse myself, but it is not my profession to build houses.

Q. Dr. Ambrose, referring particularly to Auschwitz, you stressed the point in your earlier testimony that I.G. was essentially a chemical firm and that construction work in the building of Auschwitz was done by construction firms. Now, just to clarify the relationship between I.G. Farben and the actual construction of Auschwitz, let me put a few questions to you. The firm Jurek--did that firm participate in the construction of I.G. Auschwitz?

A. Jurek also participated in the construction of I.G. Auschwitz, namely in the construction site; Bau Bau, the toy organization, took over that. But the drawings of the buildings, the machinery -- I wanted to keep that separated from Farben for purely bookkeeping and calculating reasons.

Q. Yes. Well, Farben had several functions. I just asked you about Jurek. Now, with respect to the sub-contractors or subconstruction firms, isn't it true that the Farben Construction Management had complete control over the allocation of every concentration camp inmate that worked at I.G. Auschwitz?

Did you understand that question?

A. Not completely.

Q. I want you to have it exactly. With respect to the so-called sub-contractors or sub-construction firms, isn't it true that the Farben Construction Management had complete control over the allocation of every concentration camp inmate that worked at I.G. Auschwitz? Is that or is that not true?

A. May I correct your question? The last sentence was wrong. You wanted to ask: Who did not work with Farben but who worked in Farben and Auschwitz--didn't you?

Q. Every concentration camp inmate that worked on the I.G. Farben construction site at Auschwitz. I say, wasn't the allocation of every one of those under the complete control of the Farben Construction Management?

The answer is yes, is that right -- I am sorry, I thought you said

"Das ist richtig."

A. Now, you went further again. There is a liaison office. If you remember my chart which was numbered 434—I don't know the exhibit number—this agency is between the official end and the construction site. Forbon was as well as other firms turned to this liaison office which did not do anything other than collect the figures, pass them on to the Labor Office, to the District Labor Office, to the DEM, office for prisoners of war, and pass them on to some kind of an SS agency—but not like your last phrase said: it did not take care of the inmates.

Q. Perhaps we — let me try it one more time. I say, isn't it true that the Forbon Construction Management had complete control over the allocation of every concentration camp inmate that worked at I.G. Auschwitz?

A. Yes.

Q. Thank you. Isn't it true also that every sub-construction firm had to furnish the Forbon Construction Management with daily as well as monthly reports showing the number and type of workers allocated to them?

A. I do not know that.

Q. Do you know whether every time a sub-construction firm wanted inmates they had to make a request for the inmates to the Forbon Construction Management?

A. I do not know that in this detail.

Q. Do you know, Dr. Ambros — I am sorry.

A. I think it was towards the end, there was a labor office right on the construction site which, practically speaking, built itself into this employment office. There is a field agency of the Labor office Döllitz, the branch office on the site, because there was a big construction enterprise with 30,000 people around which there were several thousand inmates. And this official Labor Office also took care of this.

Certainly one of our men was there too, but I just do not know. I wasn't sufficiently acquainted with it.

Q. Dr. Ambros, do you happen to remember whether the sole discretion as to the working days or new assignments of inmates at I.G. — Auschwitz

remained at all times with the Construction Management of I.G. Farben?

A. You asked me two questions. May I ask to have them repeated, please?

Q. I asked you whether you happen to remember whether the sole discretion as to the working days or how assignments of concentration camp inmates remained at all times with the Construction Management of I.G. Farben.

A. No--agencies. I know an example where the district office of the construction site at Auschwitz took away hundreds of people, saying, that the concentration camp Auschwitz was to furnish certain people against the interests of Auschwitz. And I know that the construction direction was against it. In this the jurisdiction remained with official agencies.

Q. Dr. Schweb, I show you HL-14305, which I offer as Prosecution's Exhibit 1935, and ask you whether this document, dated May, '43, concerning the use of concentration camp inmates refreshes your recollection as to whether the Construction Management of I.G. Farben exercised full control over the allocation and use of concentration camp inmates assigned to the sub-construction firms.

Do you recall the question at this point?

A. I was just looking over this very difficult text very quickly, and I did not and I do not know this decree. I still gather from it that, for example, a construction firm in the fourth line gives the report about the working accomplishments, that is, this firm Riser asks for inmates, and in order to explain this there were two hundred or three hundred construction firms in Auschwitz in the year 1942. I found that of 3,000 inmates, 40 inmates were with Farben, that is, 1960 were working for two hundred other firms. That is the problem.

Q. Yes, the only question was whether just before --

A. And I gather from this that these firms worked via an office with their requirements, but I do not know the details.

Q. Well, doesn't it state specifically in the third from the last

paragraph that the office you are talking about was the I.O. Farbon Construction Management?

A. That is this employment agency which probably did nothing but collect the demands of the firms, their requirements, and passed them on. I don't know. According to this text I would almost assume that the construction firms have direct contact with this industry via the Capos. That is how I read these first few lines. The demands are directed to the various sites via the inmate Capos; the Capos tell the firms how many specialized in construction work it needs --

Q. If the document doesn't refresh your recollection, the contents speak for themselves.

May I ask you--may I show you KL-14298, which I offer as Prosecution Exhibit 1926, and ask you whether you recognize this as the regular form of daily report which sub-contracting firms were required to furnish to the Farbon Construction Management?

A. I never saw a slip of this type. I don't know it.

Q. Dr. Ambros, isn't it true that all of the funds for the building of the Monowitz camp were provided by I.O. Farbon?

A. That must be a translation mistake.

Q. All of the funds, all of the money for the building of Monowitz camp were provided by I.O. Farbon?

A. The Monowitz camp was built in 1942 as a work camp for Germans, and these sums were of course provided by Farbon for the building of this camp --

Q. Excuse me.

A. -- for the purpose of accepting German workers.

Q Isn't it true, Dr. Ambros, that I.G. Farben determined the number of barracks which were built in the camp Monowitz?

A The number of barracks was determined by the direction of the camp, and then Rug-Bau built these barracks. That was the Todt organization. When in November the first two thousand inmates arrived, as you can tell by the weekly reports, 25 barracks with 120 beds were ready; that is in contrast with some of the testimony of Prosecution witnesses. There were more beds than inmates who arrived.

Q Dr. Ambros, the question was rather simple. Let me repeat it: Isn't it true that I.G. Farben determined the number of barracks which were built in the camp Monowitz?

A No.

Q Who determined that?

A The SS determined the number of barracks which were to be constructed. Farben immediately, upon the wish of the SS, gave directions for the construction, and the construction itself was carried out by the Rug-Bau organization Speer.

Q Dr. Ambros, didn't you just testify about one minute ago that when Monowitz was built, it was built as a regular work camp, it had nothing to do with the SS. Now I am not quite sure about your second answer ... it was now built by order of the SS, with the number of barracks stipulated by the SS?

A No, Camp IV was constructed for the purpose of building a German work camp, with 25 barracks as a start. From the moment on when the inmates arrived the end of November or the beginning of December 1942, it was taken over by the SS, and the SS then determined how many barracks were needed, and this number was then approved by a construction firm, no matter whether it was built at a certain address or not, this

was approved and was carried out by the Speer organization. If, really, any delays occurred -- I don't want to make an ideal picture of this, it could have happened that there were not enough barracks there at one time -- then this can be traced back to the fact that the approval for work, for all the material which was needed for the barracks, was not given early enough. But all these things were temporary, and in 1944 the construction was again continued -- or at least it was intended to continue -- but then it was no longer possible.

Q Dr. Ambros, it is also true, is it not, that the hospital barracks in Monowitz were also built entirely with I.G. Farben funds?

A Yes.

Q And it is true, is it not, that Farben, and Farben alone, determined how many barracks to provide for that purpose?

A No. These wishes were determined by the SS, and it was no problem for Farben to build so and so many barracks as the SS demanded, unless Farben, again, was not given the necessary procurement slips; and I have shown by this chart how little initiative was left to private enterprise in the Reich in the 3rd and 4th year of the war. That was the sense of my arrows -- with the hundreds of offices which took care of the matter, and which contradicted it.

Q Dr. Ambros, did the SS send to Farben at Auschwitz more concentration camp inmates than Farben wanted or asked for?

A I cannot answer that. I have heard here figures from Mr. von Halle which do not gibe in any way with the number which were actually on the site. I spoke of 10,000 -- whereas according to the weekly reports I remember as the maximum figure, 6,000 on the construction site.

Q Dr. Ambros --

A (continuing) And this difference of 4,000, I don't know what they were there for.

Q I didn't ask you how many were there, I merely asked whether the SS sent you more than you wanted?

A I cannot answer that.

Q And is it also true, Dr. Ambros, that all through 1943, 1944, and to the end of the war, the feeding of concentration camp inmates at I.G. Auschwitz was assumed by I.G. Farben?

A In order to clarify completely the deliveries, the food supply --

Q May I interrupt one moment ... I am only asking whether the responsibility for feeding was assumed by Farben; I am not going into whether it was good, bad, or indifferent, but whether it was assumed by Farben?

A No, the word of responsibility for the food supply is too large. Farben supplied the raw materials -- that is, the food, according to the official orders, was 1800 calories plus the additional rations up to 2500 calories. What the SS administration did in the kitchen, and how they distributed the food to the inmates, that was under the jurisdiction of the SS. The first part was certainly up to Farben. Farben was in charge of delivering the ingredients for the food according to the quotas of calories.

Q Dr. Ambros, on your direct examination you testified about the relationship with the SS Obergruppenfuhrer Pohl, and you were asked by Dr. Hoffmann to state whether in any of the discussions that you had with Pohl you suggested in any way the use of prisoners as concentration camp inmates, and you answered "no". Now, Dr. Ambros, do you recall any occasion on which you personally complained to SS Obergruppenfuhrer Pohl

about your difficulties in regard to labor allocations?

A. Yes, I recall that after this conference which I described yesterday in detail -- that is, between the railway direction, Auschwitz-town and I.G. Farben concentration camp -- because of the sanitation plan and other questions, when in the afternoon Herr Pohl came into the Farben plant and looked at the construction site for the first time. I was present. And I talked about the construction site, and I spoke about our concern that the construction site was lacking labor. At that time no inmate was on the construction site because there was that terrible typhus epidemic in the big concentration camp, and Farben had forbidden any use of their employees; and at this opportunity I certainly spoke about the labor allocation, because the order of the 6th of February continued to be effective, that inmates were to be used for the construction of the plant; and we of Farben always tended to take others first, but if there were not enough Germans or foreigners then the last quota were the inmates; where on my part, if I intervened at all I always requested skilled people, people who were used to manual labor to furnish those for whom the work on a construction site would not work a hardship, and which would be in accord with their profession.

Q. Dr. Ambros, was it a pure coincidence that after you complained about the labor problems, that Overgruppenfuhrer Pohl then promised concentration camp inmates for I.G. Farben's Auschwitz project?

THE PRESIDENT: That's hardly a proper question. You could not expect him to know what was in the mind of Pohl -- unless Pohl said something to him about it.

Q. (By Mr. Linschiff) Dr. Ambros, did you personally

contact SS Oberguppenführer Pohl on any other occasions in order to procure concentration camp labor?

A The same problem was present in Gendorf as far as I remember --

THE PRESIDENT: Just answer as briefly as you can, Dr. Jurek. We are going over a good deal of territory for the second time and we would like to save as much time as we can. If you can remember ... whether you did or not ... and if not, say you don't remember. That will be sufficient.

A My whole tendency was, as far as Pohl is concerned, to give no specialists, give no people who can work manually, the way it was, again, the case in Gendorf, and as the result shows, and it was satisfactory that way.

Q. The question I just want to ask one more time is, did you contact Pohl in order to procure concentration camp labor on any occasion other than the one we previously discussed?

A. Mr. Hirschoff, I do not know. It might have been a discussion together with Dyhernfurt. There were inmates there too, but not in the sense of requesting them.

Q. Dr. Ambros, the prosecution offers HI-34291 as its exhibit 1927, and I show you this exhibit and call your attention to the portion which refers to the meeting between you and SS-Obergruppenführer Pohl, and I ask you whether that refreshes your recollection as to whether or not you contacted SS-Obergruppenführer Pohl in order to procure concentration camp labor from the concentration camp Sachsenhausen for the building of your Seemark's poison gas plant? It's the very first sentence, Dr. Ambros, the very first sentence.

A. That is not a correct representation. This allegation was not caused by me. This was an allegation for the hydrogen plant in Falkenhagen for the Seemark.

Q. The Seemark for the gas plant?

A. That is the plant which I described yesterday in detail, which was constructed on the order of Reich Minister for Armament Production Ruge, and --

Q. But who constructed it?

A. --and there were no Farben interests involved.

Q. Who constructed it?

A. The Luranil built it. Why I tell this?

Q. I just ask who constructed it. You said Luranil, and I think that's the answer.

A. No, I beg your pardon. Luranil was the construction firm and gave the order to the construction firm Haaf which was active there, and this firm Haaf was the one which was in charge of the enterprise in Falkenhagen. The Luranil was in charge and also furnished personnel

for it, but the whole allocation happened on an official order without any initiative on the part of I.G. which had no interest in a plant which only had a contract with the plant manager. It was only a construction firm on order of someone else, and I have already explained that yesterday.

Q. Dr. Ambros, did your Iwanil construction company employ Jewish forced labor in the building of the Dymorfurt plant?

A. I could not tell you in detail. There were so-called collaborators, Poles, perhaps Jews too of the Schmidt organization. They were with Ruo-Bau in Falkenberg too. Armament construction had a construction site, and it is also possible that before Ruo-Bau these so-called workers were already used. I cannot tell you.

Q. Dr. Ambros, do you happen to recall whether the Jewish forced laborers working in the Dymorfurt plant, the Iwanil, were converted into concentration camp inmates while they were so working?

A. No, I only know one thing for which I was responsible. In the plant Dymorfurt no foreigner, no prisoner of war, nor any inmate worked there. On the construction site which was under the direction of Ruo-Bau there were foreign workers and probably those workers, too, I do not know.

Q. Well, that was Iwanil that was in charge of construction again?

A. No, no, Iwanil perhaps concerned itself with accounting matters, but, Dr. Hinckoff, I know that the direction lay with men who were in uniform, namely the Todt organization.

Q. Dr. Ambros, did you ever contact Obergruppenfuhrer Pohl to obtain concentration camp inmates from the concentration camp Gross-Rosen?

A. Those were the inmates who worked with the armament construction, Ruo-Bau, but I do not know whether I had anything to do with Pohl about that. I don't think so, because this was the assignment Ruo-Bau.

Q. Dr. Ambros, apart from the plants for which you were responsi-

ble were there any other plants built or operated by I.G. Farben with concentration camp inmates?

A. I do not know any others. I have mentioned Auschwitz, Ganderf, the three Heiden plants, Ganderf, Falkenhagen, and Dyhernfurt and Auschwitz. Otherwise I know no others.

Q. Dr. Ambros, you stated Saturday that the guarding of inmates was solely the responsibility of the SS. Will you explain how it happened that in your Icardi construction company they shared with the SS the cost of guarding inmates working at Dyhernfurt?

A. I do not know, Mr. Minakoff, I cannot know this. In Dyhernfurt, there was a plant manager and there was a social department underneath him, and in this department there were labor allocation engineers and I was in Dyhernfurt two or three times a year, and I had to depend on the fact that all these problems of a building site and questions of salary would be handled on this local level of these social experts or of the plant manager. I think I have shown in the last few days what work I had to handle. It is impossible that I could interest myself in such questions, if I was only there two or three times a year, and the worries in the chemical field were as big that I could not worry about the other things.

Q. Dr. Ambros, on direct examination you stated that the only reason you introduced the bonus system at I.G. Auschwitz was to do something to help the poor inmates. Now, do you recall, Dr. Ambros, whether in your own construction firm, Icardi, the introduction of the bonus system was for the specific and express purpose of increasing work performance of the concentration camp inmates?

A. Mr. Minakoff, I must give the same answer. I do not know whether a bonus system was arranged, how it was arranged. I would assume that the experts in this field would meet with each other. A member of the Vorstand can really not concern himself with the bonus questions at all construction sites. I do not know. I cannot answer.

Q. Dr. Andres, I show you HI-14310, prosecution's exhibit 1928, which is a file note with the stamp of both Rhenfart and Luranil upon it, and I direct your particular attention to paragraph 7 where it is stated that, "the work performances of the inmates should in the future not only be raised by harder punishment for laziness but also through bonus for good work", and ask you whether that reflects your recollection as to the purpose of the bonus system?

A. I don't know anything about the whole matter, and I must say something about it.

Q. If you don't know anything about the matter it won't help the record to make comments about it.

A. I beg your pardon?

Q. If you state that you don't know anything about that matter, that's the answer. Dr. Andres, --

A. I do not know.

Q. Thank you. Dr. Andres, isn't it true that the I.G. Farben construction firm Luranil put pressure on the sub-contractor companies to force them to increase the output of the concentration camp inmates? Do you understand the question?

A. I don't know. No directives was ever issued in this respect, and Dr. Blaschke, I ask you not always to mention Farben in this. It isn't Farben. Rather, Luranil is the construction firm. This construction firm passes the work on to other firms. It was the sense of the Luranil construction to get away from the Montan questions in this respect. In Luranil there were employees, for example, I see here Dr. Schaefer. They were no Farben employees. These were temporary employees of Luranil. For example, Farben didn't want this inflation of employees, so that all these projects were given to it. A Dr. Schaefer, who evidently handled this here, in no way conducted himself according to the Farben directives.

Q. How was the name Luranil arrived at; do you remember that?

A. Right, right. The construction firm is a hundred percent plant of I. G. I have explained that, but Mr. Kraschoff, for the purpose of clarification, and it was always my effort to get away from these orders, I said that rather I would have had Auschadits plant built by the American industry and in all these cases which you list here Rio-Rio again was used because Rio-Rio had many stocks of construction material and had the know-how.

Q. Do you recall the answer to the question as to what the name Lurand meant and how it was arrived at? Will you state the parts of it please, for the Court?

A. Yes. Lurandshafen Resin Milling Factory --

Q. Thank you.

A. -- but slogans always crop up in some manner, thank you.

Q. Dr. Astor, isn't it also true that the top personnel of Lurand, yourself and Dr. Sadow, were both without question I.G. Farben people, is that right?

A. Absolutely right.

Q. The prosecution offers HI-34300 as its exhibit 1929 which is a circular letter from Lurand Construction Company to the sub-construction companies.

THE PRESIDENT. We will recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. EISENBLATTIER: Eisenblatter for the defendant Jashna. I ask that the defendant Jashna be excused tomorrow from the session in order to prepare his case in chief, his defense.

THE PRESIDENT: That request is granted. May I take just a moment to say, gentlemen, that the matter which I thought would require us to adjourn at 4:30 did not materialize and we shall remain in session until 4:45 today.

Dr. OTTO AMBROS - Resumed

CROSS EXAMINATION - continued

BY MR. NIKSKOFF:

Q. Dr. Ambros, you have before you, I believe, now Prosecution Exhibit 1829 and you have an opportunity to read it. I call your attention particularly to a sentence which states, "In order to speed up the construction, each of the firms has to secure an increased production by special appropriate measures." Dr. Ambros, does that refresh your recollection as to whether the pressure and initiative for increasing the output of inmates came from the Farben Main Construction Company?

A. First of all, I don't know the circular letter at all. Second, this document is very precious for my purposes because —

THE PRESIDENT: May I interrupt a moment, Doctor? Please answer the questions as you can and if it serves any other purposes, let your counsel ask about it. I don't know the document.

Q. Thank you. Dr. Ambros, do you recall whether on occasions the subconstruction companies answered that it was impossible to increase work performance of their inmates standard set by your construction company? Do you recall

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receiving such letters?

A. Prosecutor, you are asking me a question, to try to explain the relations between a construction firm and the inmates, to try to explain the relations between a construction firm and the inmates, that is impossible for me to answer. I tell you again, this Lurenil firm is a construction firm and not a building firm. They don't have a foreman, they don't have workers. The Lurenil has designers and accountants, they make the designs and the blueprints. Therefore, I can't answer your question.

Q. Dr. Ambros, I show you NY-14294, offered as Prosecution Exhibits 1930 and 1931 respectively, and ask you whether either of the two refresh your recollection as to whether the subconstruction firms wrote to your firm that the standards set were impossible to be carried out?

THE PRESIDENT: Dr. Ambros, that is a simple question as to whether you know anything about this letter having been written.

A. I know neither the document nor the contents contained in your question.

Q. Thank you. Dr. Ambros, you testified yesterday--no, the last court day, that you were taken in by the facade at Auschwitz. Now, you visited I.G. Auschwitz, according to your testimony, on approximately 18 separate occasions, and on each occasion, remained one or two or three days. Now, was this same false front put up to deceive you on each one of those visits?

A. I used that concept of facade when I spoke of the concentration camp of Auschwitz, in connection with my visit of April 7, 1941, and then I said that this impression I gained of the facade -- I used the word Potemkin village -- was repeated during my second visit of 16 October 1941, and

that my last visit was two or four weeks later, I think on the 15th of November, 1941. In other words, I always refer to the concentration camp of Auschwitz, and that was my last visit to the concentration camp of Auschwitz.

Q. I understood that. Now, I am referring to I.G. Auschwitz, in your various visits to the I.G. Farben construction site at Auschwitz. All those times you visited I.G. Auschwitz, were things continued to be kept from you, or did you have access to what was happening in I.G. Auschwitz? Let me ask a specific question and make it simpler. Dr. Ambros, observing the appearance of the inmates on the occasions of your visits, did you ever ask any of them whether they received sufficient food?

A. Yes, I asked and tried to find out generally how the food situation was there, and in the office of Dr. Duerrfeld, there was a graph concerning the calory contents of the food.

Q. May I interrupt a moment? I merely asked whether you spoke to inmates, not the chart you say. Now, the inmates, did you ask the inmates whether they had sufficient food?

A. Well, that might have been during my conversation with Herr Pfaffer, that is possible.

Q. Dr. Ambros, when you were there in the winter time, were you able to observe whether their clothing was adequate?

A. I do remember the inmates, and that they had overcoats, and that during the last years they had coats, that is, civilian coats. I remember that an immense number of coke fires and wood fires were there like in every construction yard, and the people would gather around it; and I remember also that on particularly cold days, no inmate

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would be assigned to work. For instance, 1941 and 1942, for months they wouldn't assign any inmates to work and I think also during the winter 1942-1943, and then assignment of inmates was cancelled when it was cold, as it is customary on construction yards not to work when it is too cold.

Q. Dr. Ambros, you mentioned that during your visits to the concentration camp Auschwitz, you saw a small crematorium, or did you just notice that there was no smoke coming from the chimney?

A. I didn't visit it. I only saw that there was no smoke. It was not in operation.

Q. And that was true on each of your subsequent visits also, is that right?

A. Yes, --

Q. Dr. Ambros --

A. Because the visits were concentrated during the period of 1941, and later on I never visited that place again.

Q. Dr. Ambros, in your testimony the last court day, you pointed out that when inmates were beaten, it was not by German people but by the camp and the SS, is that right?

A. Yes, that is what I said in my testimony, yes.

Q. Dr. Ambros, the chief of the Leuna part of Auschwitz, the defendant Buettelisch, was an Obersturmbannführer of the SS, was he not?

A. I don't know what his rank was.

Q. Dr. Ambros, the director and assistant manager of I.G. Auschwitz, Dr. Eisefeld, was a member of the SS, was he not?

A. At a later date, I heard that as a student and

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perhaps even during the first years of his professional life in Hoechst had been a member with an organization of the SS, but the very moment he joined me in his work -- that might have been, let's say, 1938 or 1939 -- I never saw him in uniform and I never heard him say anything or wear the insignia of an SS man.

Q Dr. Ambros, the head of the I.G. Farben plant security, Dr. Sauerberg, was a member of the SS, was he not?

A I couldn't tell you, Mr. Prosecutor. I don't believe I ever talked with Dr. Sauerberg. I know that he had some kind of a function with regard to these guards. If you brought him in here, I wouldn't be able to identify him.

Q Dr. Ambros, Mr. Querrfeld's personal adjutant at I.G. Auschwitz Mr. Bruestle, was a member of the SS, was he not?

A I couldn't tell you, Mr. Prosecutor. In fact, I didn't know Mr. Bruestle, and I can prove to you that I didn't.

Q I accept your answer.

A Because when I was here in prison somebody told me,

"That man over there is Bruestle", but I really didn't know who he was.

Q Dr. Ambros, you know, of course, that a number of the masters and foremen of I.G. Farben at Auschwitz were members of the SS, isn't that so?

A No. I heard about that for the first time here during the trial, namely, that Montpelier was a member of the SS. On the contrary, I was of the opinion that, for instance, the masters from my parent plant were neither members of the SS, of the SA nor of any formation. In other words, I was of the opinion that just the people from the Lahnfranken region were nothing at all, politically speaking; but that was not even a problem. One wouldn't hear about it.

Q Now, Dr. Ambros, I show you NI-14487, Exhibit 1932 for the Prosecution, and ask you whether that is a picture of you at Auschwitz, and ask you to identify who else is with you on that picture. Are you able to?

THE PRESIDENT: What is that document, please?

MR. MINSKOFF: That is NI-14487, and it was offered as Prosecution Exhibit 1932.

THE PRESIDENT: Thank you.

A I don't know. On this picture I can identify myself; that is true, but who are these gentlemen? Oh, yes, I see one here. Yes, Mr. Furt. I can recognize him, but the other gentlemen I don't know.
BY MR. MINSKOFF:

Q Thank you --

A I don't know who they are now. Probably some kind of official visitors from the camp.

Q Is Obergruppenfuhrer Fohl in that picture?

A According to my recollection, he was more of a stock man. Fohl was not that slim, you know.

Q Thank you. Dr. Ambros, who was the Betriebsfuhrer or responsible factory official for I. G. Farben?

A The functions of a Betriebsfuhrer were held from the very beginning of the formation of the Vertrauensrat by Dr. Duerrfeld. However, it was never decided in a final and definite way because the intention of the I. G. firms had been to have the function of Betriebsfuhrer always held by a chemical engineer. In a misprint even my name was once put under it as a Betriebsfuhrer. I want to prevent you from bringing up that document, you see, and I could give you a little story about it, but I think this talk about Betriebsfuhrer has gone on and off all the time. The minimum of what a Betriebsfuhrer had to do was to be present on the spot, and I didn't fulfill that primary requisite.

Q Dr. Ambros --

A The intention in the long run was that a chemist should be the Betriebsfuhrer.

THE PRESIDENT: Just a minute. We have enough troubles without anticipating any. Let us just wait until we get to it here and see what it is.

BY MR. MINSKOFF:

Q Dr. Ambros, I show you NI-14488, that is Prosecution Exhibit 1933, and ask you whether this is the misprint you are referring to?

THE PRESIDENT: I may say to you while the witness is examining that I trust the Prosecution is keeping a list of the documentary evidence that is not being furnished the Tribunal so that it will be supplied.

MR. HINSKOFF: Yes, your Honor.

A. Yes. Yes, that is what I was referring to.

MR. HINSKOFF: That is all for the Prosecution.

THE PRESIDENT: Now, gentlemen of the Defense, I would like to say a word to you about this redirect examination. The Tribunal recalls that a great number of documents were introduced by the Prosecution as a part of its cross examination of the defendant Ambros. In order to save time and to anticipate what may arise, I should like to observe that it is the view of the Tribunal that we are interested only in those parts of the document with respect to which Dr. Ambros was questioned. Those documents are in evidence for all purposes, however, and if there is anything favorable to the defendant that you may wish in argument to call our attention to, or any proper inference to be drawn from, it will not be necessary for you to go into it so far as the redirect examination of the defendant is concerned. Redirect means exactly what it says, that you are limited in your redirect examination with respect to these documents to the points of inquiry concerning which the Prosecution interrogated the defendant. I mention that because there is a grave danger that we might get far afield if we go into all the ramifications and surroundings and circumstances of these documents. They are before the Tribunal, of course, but so far as redirect examination is concerned, the only field of inquiry is the matters concerning which the Prosecution questioned the witness.

Defense may re-examine the witness.

DR. HOFFMANN: If it please the Tribunal, I have the following question first of all. What I would like to know is whether the Prosecution with its statement from this morning may be understood in the following way: the cross examination against Dr. Ambros is concluded in a final manner, or do they reserve the right to take the stand once again on the

strength of the weekly reports they have requested in their motion?

THE PRESIDENT: The Tribunal understands that the cross examination of this defendant is completed so far as the Prosecution is concerned, and unless the Prosecution now advises to the contrary, we will so construe the matter. The Prosecution does not so advise us so you may go on that assumption.

DR. HOFFMANN: If your Honor please, there is another matter I would like to ascertain, and this is the photograph here submitted by the Prosecution contains a certification according to which the photo shows Dr. Ambros together with SS Lt. General Pohl at Auschwitz on 23 September 1942, but who proves that in reality one of these personalities on the picture is Lt. Gen. Pohl of the SS?

THE PRESIDENT: Let us see that photograph and the accompanying certificate a moment, please. Dr. Hoffmann, do you desire to move to strike out the reference to this being a photograph of Dr. Ambros and Pohl taken at Auschwitz on 23 September 1942?

DR. HOFFMANN: Yes, Mr. President. I wouldn't do that if I and the High Tribunal had not had the opportunity to see this man Pohl here, and I really can't say that I see any man who resembles Pohl on this picture.

THE PRESIDENT: The motion to strike out that part of the certificate is sustained. The photograph was properly used to pass to the defendant to see what he would testify about it. The certificate is not a part of the exhibit so far as its evidentiary value is concerned.

MR. MINSKOFF: May I make one comment, if your Honor please?

THE PRESIDENT: Yes.

MR. MINSKOFF: The file from which this was taken on the original indicated -- written on the document was "Pohl and Ambros, Auschwitz visit", and this coincides in date precisely with the actual Pohl-Ambros visit at Auschwitz, and on the original it is so stated, both names. It doesn't show in the negative, but the original can be produced if your Honor please.

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THE PRESIDENT: Well, that would not be evidence of the fact so far as that is concerned. You don't know who made that statement. It is not verified, a memorandum on the back of the photograph. It is proper to pass this photograph to him and ask him if his picture is there or if he knew the others. You did that, and that is as far as the matter can go.

REDIRECT EXAMINATION

BY DR. HOFFMANN:

Q Herr Ambros, you were asked with regard to the statute of the first of January 1943. Did I understand you correctly that you said that these statutes were signed unlawfully with your name?

A Yes. I'm under the impression that these statutes were printed in the print-shop at the Ludwigshafen because the wording is exactly as the Statutes at Ludwigshafen. I didn't have myself appointed there as Betriebsfuehrer, but whether a third party did it or whether the printer thought that I was the real Betriebsfuehrer I don't know.

JUDGE MORRIS: May I ask to what exhibit you refer to?

DR. HOFFMANN: I'm very sorry, your Honors; it's Exhibit 1933.

BY DR. HOFFMANN:

Q Herr Ambros, did a document which had your name and signature have to be signed by you personally normally?

A Normally it would have to be shown to me, yes.

Q Would the statutes and plant regulations have been important enough for you to initial personally first?

A Well, normally they would have to show it to me.

Q Did you sign the plant regulations personally -- yes or no?

A Well, at the date listed here, there wasn't even a Vertrauens-
rat. No, I didn't sign them.

Q In other words, the plant regulations were printed without your being asked and without your signing?

A That's my recollection, yes.

Q Herr Ambros, the Prosecution have submitted quite a number of documents concerning the Luranil Construction firm. Now, let me, first of all, just pick out Document Exhibit 1931. Now, my question to you: In how far were you informed at all about the business management of the Luranil, and in how far did you have a part in it?

A I want to repeat here that the suggestion and the initiative of setting up a construction firm of our own, for dealing with the tasks as

given to us by the ONH -- that that initiative originated with me. In other words, I'm the spiritual father of this founding of the construction firm of our own, in order to bring about a clear-cut separation of objectives, which were disconnected completely with the I.G. But a construction firm that is, a firm setting up buildings and setting up machinery-- of course, can only be directed by engineers. In other words, that is the reason why the second and third managers -- that is, the really acting managers -- were Engineer Sandoz and Machine Engineer Director Kaimann. And I think I was more a manager (a high hauser); that is an honorary manager. That is, I was the third or honorary the first. I want to emphasize again that Loranil is not a building enterprise with workers. It's a construction firm. There are accountants, designers, and they would make their appearance on building yards. I think that's sufficiently clear now.

THE PRESIDENT: Dr. Schreier, pardon me, Counsel. May I ask the defendant a question here.

BY THE PRESIDENT:

Q I think there might be the possibility of some confusion because of the difference in the way in which the term "construction firm" is used in your country and ours. Just in order that I may be clear, may I ask you, did this construction firm employ workmen or did it have building equipment and machinery and tools of its own?

A No, your Honor, they didn't have any equipment of their own.

Q Did it enter into construction contracts with principals?

A Yes.

Q Then did it contract with what you termed "building firms" for the actual construction?

A Yes, your Honor, the executing part was then the building firms.

Q So that is a clear distinction that you wish to make between what you claim for a construction firm and a building firm?

A Yes, your Honor, that's the difference.

A Thank you.

BY DR. HOFFMANN:

Q Herr Ambros, now after this statement of your I don't want to dwell further on the Luranil Construction Firm.

A Well, there's one document that can serve as a proof because it shows Luranil to the right and the O.T. Building Firm to the left. According to the German custom the firm signing at the left was superior but the O.T. Building Firm. That is perhaps the sense of the document. The document shows that there is the O.T. to the left, and then the right is the Luranil as the accounting firm. There's the Luranil and the initials show here "Zinsner." That is the account.

Q Your Honors, I apologize. I'm quite clear about the fact that that is perhaps not the correct way of conducting a redirect-examination, but perhaps that shortens our case. I can leave this whole question alone now.

Herr Ambros, the Prosecution have submitted Exhibit 1909. If I remember correctly that is a letter, a letter written by one Colonel Becht. Do you happen to have that document there?

A Yes. Yes, I have it. It's dated 16 April 1942.

Q Now, in this letter is there any mention made --

THE PRESIDENT: I'm afraid Doctor, that there may be some confusion. The Prosecution's Exhibit 1909, as we have it, is the Prosecution's Document 14113, and if I am reading it correctly it bears a date of 17 March 1942.

DR. HOFFMANN: Yes. Thank you very much, your Honor. Yes.

THE PRESIDENT: Is that the document you refer to?

DR. HOFFMANN: Yes, but apparently Ambros has some different document there.

A But didn't you speak about Becht?

Q Yes, yes, but there's a letter going to Becht here.

A Did you mean 18 April.

Q No, I mean 17 March.

A No, I don't have that. I don't have it; I'm sorry. That is the letter of Oberst (Colonel) Retis to Becht. Is that what you mean?

Q Yes. The Prosecution have used this letter for the assertion that you have set up the whole plant for the use of the Francolor as it is explained here, that you drew up this plan. And I wanted to ask you again, in this connection, when you read this document through again can you ascertain from what especially clear sentences you can prove the contrary?

A In the third paragraph, on page 1, there it says the I.O. Farben Industry now follows a suggestion of the Chief of the Army Ordnance Office in proposing that the remaining skilled laborers should be assigned etc., etc. The Army Ordnance Office handed out contracts under "SS." That means "immediately" -- highest priority, and at the same time they expressed the desire to obtain products that might be considered "militaria". That is, products of military character -- some nitronaphthalene and the "tetralites" and other chemical products while, on my copy, I have crossed out. My copy is before the Tribunal. Or, I marked them with a minus sign or with a question mark. Certainly I was advisor for the products under paragraph 2 and 3, and for products of paragraph 1, under request of the Army Ordnance Office, there was also an advising capacity on my part.

Q Oh, excuse me. I interrupt you, Herr Ambros. I'm coming to that later document now.

I would turn back to Prosecution Exhibit 1906, but it's true the Prosecution put that in earlier than the document to which I refer, but as far as the time is concerned this document is dated a little later.

Q You mean the document of 13 September 1942?

A No, of 16 April 1942.

Q Yes, I have that too.

Q This document, now, Dr. Ambros, is that the answer to the letter of the representative of the Armed Forces of 17 March 1942?

A Well, it's along the same line, yes. Here it's essential, above all, that I make the following statement, and I think that's extremely important. May I read the second paragraph there?

"The best cooperation, particularly in the technical enterprises, we obtained with French civilian workers. Unfortunately these last weeks have

from a movement amongst these workers for a return to France, is also the result of the new food rations and the synchronization of their pay with the German pay scales." These are the reasons. It's a well-known fact that the foreigners formerly were paid better than the Germans, and the incentive to come to Germany is diminishing, even for French workers. At home the French worker lives with the family, and in France, particularly, he has quite a possibility of getting additional food from relatives or from the farms; therefore, great difficulties arise in re-creating and in holding these workers that are so important for us.

Q Harry Ambros, I want to ask you only a short question with regard to this problem: From the many documents the Prosecution have submitted here it seems to me important that plastics were used for producing fuses, and it struck me that I remember well you said that you knew about it. Is that a fact?

A Yes.

Q Now, I'm asking you how does that you know about it.

A In the cell of the Francolor I saw that there was an interest in large quantities of bakelite. Most probably one of the French gentlemen told me that a certain quality had been demanded perhaps, and these prescriptions for the quality certainly were some sort of a hint of the fact that such a mixture of bakelite plastic needed a certain degree of durability and lightness, and thus was the indication for me that that was to be used for fuses, that is, the upper part of the shell. However, that was in those plants where the bakelite was transformed either into radio apparatus, and into telephone apparatus to domestic goods or to fuses.

Q Mr. Ambrose, there is another quite general question I want to ask. The Prosecution again and again have submitted a great number of exhibits here, in which you are somehow tied up as an expert in chemical matters. Now I want to ask about that is the following: at that time, that is in 1936-37, what is the time where most of the documents originated, did you have any misgivings about complying with such requests when they were made to you as a chemical expert? And did you think that you should shrink these tests because you had to fear that your activity might serve the preparation of an aggressive war?

A No, I hadn't the slightest misgivings. I considered that as a part of the program of rearmament, since the extent was on a very small scale; the quantity only corresponded to what could be termed normal.

Q That in this connection was demanded of you in the way of information? Was it important or interesting for you from the chemical viewpoint?

A No. All of these things were well-known procedures which were already in current production, and being used in the production of intermediates, lacquers and solvents.

DR. HOFFMANN: Your Honor, I have no further questions to ask this witness in re-direct examination.

THE PRESIDENT: Any further interrogation of the witness on redirect examination?

When the Tribunal will declare the examination of the defendant closed. He may leave the witness stand.

Dr. Hoffmann, do you have a witness to call?

Dr. HOFFMANN: Yes, Your Honor, the witness Biedenkopf.

THE PRESIDENT: Mr. Marshal will you bring in the witness?

Mr. SPEECHER: Mr. President, while the Marshal is bringing in Dr. Biedenkopf, I would just like to say this, — that Dr. Hoffmann was kind enough to tell me this morning that he was bringing this witness, but the official notice was not made, and it does confuse not only the Prosecution in doing its duty, expeditiously, but a number of other members that had to do with former witnesses and so on, if these things are not arranged in advance, and all that is required is 24 hours' notice.

Dr. HOFFMANN: Your Honor, I am a little bit puzzled to see that the Prosecution gets up at this point, and particularly in my case that they raise this objection. I will have to admit that I was pressed for time with regard to the examining of witnesses, but, — Mr. Sprecher says that I should improve in the future.

THE PRESIDENT: We can well appreciate the fact that counsel for the defendant could not know exactly how long the Prosecution might continue its cross-examination, and, of course, we take it, gentlemen, that you will try and comply with the Rules, and I am sure Dr. Hoffmann will undertake to do that as best he can.

ERWIN BIEDENKOPF, a witness, took the stand and testified as follows:

THE PRESIDENT:

1. Raise your right hand, please say "I", and state your name for the record.

A. I, Wilhelm Biedenkopf.

Q. Will you repeat this oath after me?

A. I swear by God the Almighty, and the omniscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

EXHIBIT EXAMINATION
OF WILHELM BIEDENKOPF

BY MR. STEWART:

Q. Witness, when and where were you born?

A. I was born at Chemnitz, on the 9th of July, 1900.

Q. What is your present address?

A. At the present time I live at Ingelheim on the Rhine, Gartenfeld Strasse 33.

Q. What is your profession?

A. I am an engineer by profession.

Q. What is your present job?

A. At the present time I work in the chemical factory, C. H. Boehringer & Son at Ingelheim on the Rhine.

Q. Where did you work until the end of the war?

A. Until the end of the war I worked with the Puma plant, IAGH at Jekkopen near Bresburg.

Q. When did you join the IG Farbenindustrie?

A. I joined the I. G. Farbenindustrie on the 1st of December, 1925.

Q. What was your first job with I. G. Farben?

A. At the beginning I was working in the construction office on designing of the machinery, in the technical department, and after that I became a plant engineer in the main laboratory and in the technical offices that were connected with it. My special task was to transform the new procedures worked out in this Department on to the technical scale.

Q Now when you came to the I.G. Farben itself, when did you first meet Dr. Ambros there?

A I met Dr. Ambros when, in 1934, I was transferred from the work I just described, into the Department for Intermediates, which at that time had been taken over by Dr. Ambros.

Q Insofar as you had an insight into the viewpoint of Dr. Ambros, what did Dr. Ambros then deal with?

A The best way I can judge it is from the viewpoint of the job I had to do with him. Dr. Ambros at that time had made it his task to study the various phases of procedure which led to the synthesis of rubber, and which were carried out in other plants of the I.G. Farben according to various older processes and to modernize them, and recreate them in accordance with the new chemical principles, and to put those processes on a more economic and more efficient basis.

Furthermore, Dr. Ambros dealt with such processes referring to other products as were also necessary for the synthesis of rubber, for instance, styrene, acrylonitrile and also the process of Butadiene synthesis which had been worked on in Ludwigshafen before, and was rebuilt by him on a new technical scale, and was made ready for actual production. Furthermore, Dr. Ambros also dealt with solvents and the chemistry of these solvents, of ethylene and above all, acetylene, and from the field in which I worked with him, in the technical department too.

Q What I am interested in mostly, is are you informed about the time when Ambros for the first time dealt with Buna?

A Well, as far as I can judge it, Dr. Ambros, with his previous activity, — that is the activity he had before at Oppau, — did not deal with phases of Buna synthesis or with these processes at all. As far as I know he had a different task there. It is true that I know that he made a longer trip to the Colonies and that he dealt with natural rubber there, but his agency at Oppau did not deal with these

other processes, I think that he only started to work on that field when he was transferred to Ludwigshafen to take over the Department for intermediate products.

Q. Do you happen to know who gave him the commission to develop this urea synthesis?

A. Well, general work on Urea Synthesis was done at Ludwigshafen even before 1920 and then, for a time the work had been postponed, but a new interest arose to develop these matters and Dr. Adres was one of the men who had the initiative and who promoted their progress, but I do not know about a direct commission.

Q Do you know whether this development of the Buna synthesis was the only field in which Ambros was active at that time or later?

A No, even at that time it was by far not the only field where he was active. I have outlined the field of tasks he had: ethylene, acetylene and phenol compounds, and so on and so forth.

Q Now, when was it tried for the first time to translate the experiences of the Buna on the technical scale into a higher sphere of experiments?

A I think that was in the beginning of 1935. There for the first time it was the task to collect the experience previously gained by the processes worked on by Dr. Ambros, and to make unified series of experiments of them in a new experimental plant. I think that might have been in February or March 1935.

Q And where was this first place located?

A First Dr. Ambros thought of creating this experimental station, which was still on a comparatively reduced scale. That was about the production of 200 tons per month which they thought about. He wanted to connect it with the Piesteritz Works because there they had the necessary carbide for the work. However, this project showed technically to be impractical and the future project was to be built at Elsterau. But there again the project was not in line with what one had expected; and then for the first time the idea arose - and I think that was expressed particularly by Geheimrat Bosch, that if a new plant of this nature should be built, then some terrain should be selected which offered a possibility of development for this process and for similar productions. In this way Dr. Ambros then chose the site Schkopau, near Merseburg, and that was at the end of 1935.

Q Now, when was production first assumed at Schkopau?

A Well, as far as the building was concerned, they started in February 1936, after the plan had been approved previously by the Central Committee of the I.G. Farben. This was a building site until the beginning of 1937, and the first experimental station at Schkopau

begin its work about February 1937.

Q Were you there when they built at Schkopau?

A Yes.

Q Dr. Biedenkopf, please, will you describe to me in a few brief words how the building was carried out at Schkopau.

A Well, the building developed as follows: First, the future managing building engineer came into the building site with a comparatively small staff of collaborators, because the task of this gentleman was only to supervise the building firms that had gotten contracts, the control of material, accounting of the building materials, the checking of the buildings when they were started their solidity, and so on and so forth. And eventually the accounting itself. For that, he needed a comparatively small staff of collaborators, because the executing firms were outside firms. This condition went on for a few months. Then the first machine and electrical engineers appeared on the site. In the meantime, a few buildings had been completed and they had to be equipped and the installations carried out; but there, again, there were many outside firms, and the personnel of the I.G. itself, was still comparatively small. This condition remained about until the first experimental plant was put into operation. At that time, of course, the staff had to be increased, and the production staff had to be called in, and that, of course, was German personnel. That was in February 1937, that for the first time they had a large staff of --

Q Dr. Biedenkopf, if you can talk a little bit slower.... Dr. Biedenkopf, may I ask you who, on the building site, had the responsibility until the time when the first part of the plant was put into operation?

A The responsibility in the building site at the beginning, was assumed by the building managing engineer. Such a building yard could be considered at the beginning as an appendix to a parent plant

of Farbon, where the plant management was -- however, for the events on the building site, the building engineer was the responsible person. And this condition prevailed until the first experimental plant began to operate.

Q Now, after this first experimental plant had begun to operate, what happened at Schkopau.... I mean as far as the plant itself is concerned?

A As far as the plant itself is concerned, there were so many persons of our own plant, and as it was a plant now, Dr. Ambros called a Betriebsrat at that time -- in other words, an independent management for the plant was created -- and Dr. Ambros took over the full responsibility of the plant management in accordance with the law for the regulation of national labor.

Q Do you know how long Ambros remained Betriebsfuhrer at Schkopau?

A Yes, Dr. Ambros remained Betriebsfuhrer until May 1939.

Q Do you know why he resigned from that position then?

A Yes, as long as Dr. Ambros was Betriebsfuhrer at Schkopau he had, of course, quite a bit of work to do on account of that activity. Actually Dr. Ambros spent several days every week at Schkopau, and that, in addition to his other tasks constituted an extraordinary overburdening of his energy. In other words, he practically shuttled to and fro at night in a plane between Ludwigshafen and Schkopau. When he was then approached with new tasks, for instance, the foundation of the Buna Plant in Huls in the Ruhr area, and the construction of new plants for the Buna synthesis in Italy; then the foundation of other production plants, and his activities as a member of the Vorstand of Farben and, of course, also his activity in the Ludwigshafen plant itself. When all that was burdened on him, Dr. Ambros did no longer find the time to take over this full responsibility in Schkopau. Therefore, he handed over the post as Betriebsfuhrer to Dr. Wulff, who was the managing chemist at Schkopau.

Q At Schkopau was Dr. Ambros only Betriebsfuhrer, or did he have a

position in the firm itself also?

A. Dr. Ambros was not only Betriebsfuehrer of the plant; when the "Bunswerke G.m.b.H." was founded, he had also become deputy manager of the firm.

Q. Is it correct also that after he handed over his function as Betriebsfuehrer, he retained his position as deputy business-manager?

A. Yes, Dr. Ambros remained deputy business manager of the Bunswerke, even after he had handed over his post as Betriebsfuehrer.

Q. Now, during that period when Ambros was deputy business manager at Schkopau, did you also hold a position at Schkopau?

A. You mean so personally?

Q. Yes.

A. Yes, I held a position.

Q. What position?

A. I was the chief engineer of the plant.

Q. Now, can you tell us from your own knowledge what was the relation of Ambros in his capacity as deputy business manager of the Bunswerke Schkopau towards the plant management of Schkopau itself?

A. Well, Dr. Ambros as deputy business manager was our direct superior. He directed, and had in his hands, as before, the chemical and technical management of the plant. He represented the plant towards the Vorstand of the I.G. Farben also. And all questions concerning production and development of production were either directed by him, or, basically at least, discussed by the Schkopau Plant management with him.

Q. Now, in this connection I am interested in a few questions, and particularly in the following: What was Ambros' position, for instance, with regard to labor assignment in the Schkopau Plant?

A. In his capacity as manager, Dr. Ambros had no position with regard to such labor assignment. The direction of labor assignment, in other words - requests for laborers via the Reich agencies - and the necessary constant statistics for that purpose, the housing of the laborers, and

even and so forth.... all this was then solely and only the task of
the Betriebsfuehrer, and of the plant management next to him.

Q Now, a perfectly definite question, Mr. Hedenkopf: If prisoners
of war or foreign workers were treated badly at Schkopau, would you
be responsible for that -- or would Dr. Ambros?

A Dr. Ambros would not be responsible for it, because Dr. Ambros
had given to the plant management the directives for the treatment, and
it was the task of the plant management to carry out these directives.

Q What about these directives according to your opinion? How were they? Were they social or were they looking toward a ruthless exploitation?

A I think the I.G.'s position towards social welfare problems was that rather too much was done instead of too little.

Q I am talking about Dr. Ambros now?

A Well, yes, particularly Dr. Ambros's position toward social welfare problems was that at all times he advocated that the best be done for the foreigners on the building site, that is, foreign workers.

Q Now, you did considerable work with Buna, didn't you?

A Yes.

Q Now, is it known to you also that a new Buna plant was to be built in the East?

A Yes, it became known to me that after Huels was founded and that after Ludwigshafen was founded with some intermediate phases at the end of 1940, Dr. Ambros was again approached with the commission to set up a new Buna plant in the Silesian area.

Q Did Ambros rely on your help when he selected the site of Auschwitz for the new plant?

A Yes, Dr. Ambros had requested me to help him with my advice on account of the experience I had gained during the building of the first Buna plant at Schkopau and also on the strength of the experience I had gained on many joint visits for the selection of new locations.

Q Herr Biedenkopf, now when Auschwitz was selected, if I understood your statement concerning Schkopau correctly, in the beginning of the building work, chief engineer had to be selected; is that right?

A Yes.

Q Now, it's a very plausible question to ask why you were not appointed the chief engineer on the Auschwitz building location.

A This idea was actually voiced at one time, but after the foundation of Auschwitz or after the planning had started that would be more correct,

a new part was joined to the Buna plant that is, a Leuna part, a part for methanol and gasoline, etc., and this production was to be on a very large scale and was particularly urgent and, therefore, as a representative of this Sparte, the so-called Sparte I an engineer from this Sparte, Dr. Duerrfeld from Leuna, was designated.

Q Well, that leaves one question, if you look back on the situation of that period, as it is shown to you in 1941, at that time would you have had misgivings to accept the post of managing engineer?

A No, I wouldn't have any misgivings.

Q Now, one last question to you, witness; are you still informed to such an extent that you can tell us what a position the Auschwitz Building Department had when work was started on the construction site?

A In the building site at Auschwitz as we were already in the middle of the war and since it was located in the East, the situation was different from Schkopau. In the building site of Auschwitz there were no possibilities of using the same system as in the other plants, of connection the new plant with an already existing plant. Auschwitz was disconnected and therefore it was necessary to set up very early already a larger staff of people from our own plants and to have them work in the building site. They were withdrawn from the other plants of Farben with great difficulty and, as far as I remember, the independent plant management at Auschwitz was set up much earlier than had become necessary in our case at Schkopau.

DR. TREIDELL: That concludes my questions of this witness, your Honor.

DIRECT EXAMINATION

BY DR. TREIDELL:

Q Dr. Seidl for the defendant Duerrfeld. It was unknown to me that this witness would be taken up here because he had been called off. Therefore, I had no possibility to discuss the matter with the witness before but I think in spite of that that I will succeed to get through with him in a very short period and get the answers we are

interested in. Herr Biedenkopf, you were a member of the technical commission; is that right?

A Yes.

Q Now, during your description of the period of building at Schkopau you said that there was a great number of building and assembly firms working there. Did I understand you correctly?

A At Schkopau, yes.

Q Does this apply to every large chemical factory and can I understand your testimony to the effect that this also applied to the Buchwitz plant of Farben?

A That must have been the same in Auschwitz. At Schkopau we had four to five hundred firms working there, especially since building work was given out to contracting firms from the I. G. because we had no building firms of our own, and we worked only in specialized sectors. That's why I think that many firms must have been assigned also in Auschwitz.

Q Now, witness, you testified that the responsibility on the building site was incumbent on the local managing building engineer or installation manager. Do you mean to say by that that this local manager had also the responsibility for the individual worker of the building firm or did I understand you more clearly that you meant that this direct responsibility again was a matter of the Chief or Betriebsfuhrer of the particular firm concerned?

A Well, this building firm first of all came in and occupied the place with a staff of their own. Very often these firms had such a size that they could be considered on the building site as an independent plant unit and the responsibility in this framework, of course, was incumbent on the building manager of the building firm in the same way as it devolved upon a Betriebsfuhrer of a plant belonging to the I. G. The I. G. itself had no jurisdiction about the people of the building firm. These people were under the orders of the local building manager of their particular firms.

Q And the work contracts -- with the workers were not concluded with the I.G. but by the building involved, for instance, AEG, Siemens-Elske or other firms; is that correct?

A I did not quite understand your question.

Q Well, I will re-formulate the question then. Is it correct that labor contracts with many laborers working on the building site were not concluded by I. G. Farben but by the two or three hundred building firms who worked for the I. G.?

A So, if the I. G. gave out a job of work then they concluded their work contract with the building firm directly. There could have been another case also.....

Q Excuse the interruption.

A I think we have to make a clear-cut, separate and distinct difference between the building contract the I. G. would make, for instance with the firm AEG for the building of a power plant. That isn't what I referred to. What I want to know from you was between whom the labor contract was concluded in the case of work carried out by, for instance, an electro technician of AEG? Are you in agreement with me if I state that this original labor contract was concluded with the electro technician by the AEG?

A Well, may I define that a little differently. We conclude all building contracts with the firm concerning the building of steel construction. That firm again discusses with its own people and comes to an agreement concerning the setting up of that construction within a certain dead line. That's a labor contract concluded by the firm concerning the piece-work agreement with their workers.

Q Now, another matter, Herr Biedenkopf, were you at Auschwitz once yourself?

A Yes.

Q When and how many times?

A I went to Auschwitz twice with the Technical Commission.

Q You said you were twice there with the Technical Commission. You.

man of the I.G.?

A Yes, for an inspection at Auschwitz and that was I think in October 1943 and at the beginning of 1944.

Q How many people from the I.G. made up this Technical Commission that participated with you in the inspection?

A Seven. They were the managing engineers of the larger I.G. plants.

Q During these visits in the plants did you see prisoners working?

A Yes.

Q When you visited the plant was there anything that struck you particularly with respect to the activities of these prisoners?

A There was nothing that I found peculiar during our inspection, neither with respect to the working speed nor with respect to the assignment of the inmates. According to my impression they were not assigned in any way different from the other workers at all.

Q Did you make any special observations with regard to the health and strength conditions of the inmates?

A I couldn't tell you that. At least there was nothing that struck me but, after all, a prisoner in his prison uniform and with his hair shorn has a different appearance from what other workers look like but I saw the prisoners only doing normal work. Particularly can I remember the activity in the concrete shops. According to my view these were the most modern establishments of that kind I ever saw in the I.G. up to now.

Q Herr Biedenkopf, you said that you saw the prisoners working in the work at the concrete shops. Will you tell us in a few sentences what was the purpose of these concrete shops and what kind of work was done there?

A I can describe that to you because that was a special point of our inspection program. The construction yard Auschwitz had to make it a point to work in this particularly efficient way and to be economical with the workers and to adopt a certain building procedure, for instance, unloading of concrete into bunkers and centralized production of the cement mixture for the various buildings, the technical procedure in

central agencies, the loading of this cement to the building yards directly and the completion of finished parts in on work-shop. For instance, the construction of plates, of carriers, and relays. Everything was centralized and then, I would call it according to a to-building-set system, they had set up everywhere barracks and work-shops and other buildings where only few workers had been assigned and in spite of that these buildings could be set up in a very practical way. All work in such work-shops was as simple and as comfortable as one can imagine. There were only mixtures that had to be poured into forms. These forms were technically modern. They had swivel arrangements and they were taken away. The completed building elements could then be delivered to the building yards directly. As I said, in this connection it was the most modern building site I have seen up to this time and I think I have visited all of the building yards of the I.G.

Q During your two visits did you gain the impression that these inmates had to work double time?

A No, I did not gain this impression.

Q Did you get the impression or did you see how Kapos or foremen drove and pushed the prisoners to work or that they mistreated them?

A No.

Q Well, I want to come back to a question I asked at the beginning, Mr. Biedankopf. It refers to the responsibility on the building site between the I.G. and the individual firms. If a worker of a building firm, for instance, Holletske and Seelmer, incurred a working accident, did the contracting officer then approach the director of the building firm or did he approach Farben?

A The situation in Schöppan was the following. The accident was reported by the plant, because the accident is recognized by the fact that an ambulance is called and that automatically gave the report to the plant itself. The investigation of the accident, however, was carried out with the responsible manager of the building firm. If, for instance, and I know that case from my own experience, if a buildin

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left the door, and if a worker falls into that elevator then, . .
quite clearly, the building manager of the firm is responsible for the
accident.

MR. SMITH: No further questions to this witness, your Honor.

THE PRESIDENT: Anything further from the defense counsel? (no
response) Any cross examination?

MR. DUBOIS: The Prosecution desires no cross examination.

THE PRESIDENT: Then the Tribunal will excuse the witness from
further attendance and we will recess until nine o'clock tomorrow
morning.

(a recess was taken until 0900, 2 March 1948)

Official Transcript of Military Tribunal VI
in the matter of the United States of America
against Carl Krich, et al, defendants, sitting
at Nurnberg, Germany, on 2 March 1948, Judge
Curtis G. Shake presiding.

THE MARSHAL: Persons in the Court room will please take their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Make your report, Mr. Marshal.

THE MARSHAL: May it please your Honors, the defendant Raefliger
is in the hospital; defendants Gattinone, Lueglin, Jaehne, and
Justefisch are absent, excused; the balance of the defendants are present
in the Court.

THE PRESIDENT: Dr. Goettcher, have you any announcement?

DR. GOETTCHER: No, your Honor.

THE PRESIDENT: Dr. Hoffmann, you may continue. Do you wish to call
witness?

DR. HOFFMANN: Yes, with the permission of the Court I would like
to call the witness Schnell.

BERNOLD SCHNELL, a witness, took the stand and testified as follows:

THE PRESIDENT: Mr. Witness, you will please remain standing for the
purpose of being sworn. Raise your right hand, say "I" and state your
name for the record.

THE WITNESS: I, Bernold Schnell.

THE PRESIDENT: And you please repeat after me the oath:
.....swear by God, the Almighty and Omnipotent, that I will speak the
pure truth and withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

You may proceed, Dr. Hoffmann.

DIRECT EXAMINATION

BY MR. ROSENBERG:

Q. Witness, when and where were you born?

A. I was born on the 9th of January 1899 in Ludenscheid.

Q. What is your present address?

A. Ludwigshafen on the Rhine, Buchlerstrasse 23.

Q. And what is your present occupation?

A. I am a chemical engineer with the Badische Anilin und Soda
Fabrik, and I am a procurist.

Q. Dr. Schnell, how long have you known Ambros?

A. I have known Dr. Ambros since 1933.

Q. Did you have any close contact or collaboration with him in the
professional field?

A. Since 1935 I was one of his collaborators.

Q. Of what did your collaboration with him consist?

A. In 1935 Dr. Ambros was appointed Chairman of the Commission of the
I.G. for intermediary products, and he then appointed me Secretary of
this Commission.

Q. What kind of a function was that, secretary of this intermediary
product commission?

A. As the Secretary of that commission I had to take care of most
of the correspondence, to draw up the agenda, to procure the documents,
to take down the minutes during the meeting itself, and to make one
conference or the other, and to draw up the minutes after the meeting,
and to send to the members and to other interested circles the necessary
information.

THE PRESIDENT: Mr. Witness, please, may I remind you that it is
necessary for your testimony to be translated into English before we
hear it. If you will be kind enough to pause when a question is asked
you until the translator has had an opportunity to translate it into
English before you start answering it, it will help us to understand you
better.

THE WITNESS: I am sorry.

BY DR. ROSENMAN:

Q. Now, Dr. Schnell, in this function of Secretary of the committee did you have an overall insight in the work of the commission for intermediary products?

A. In spite of the fact that the field of intermediary products is extremely large and has many ramifications, I still think that I may claim that I am fully informed with regard to this field.

Q. What was the field of tasks of that commission?

A. The commission was in charge of supervising the plants and laboratories dealing with intermediary products, and belonging to the I.G. Farben works.

Q. What do you mean by supervising in this particular connection? Could you give us an overall insight?

A. The commission consisted of six ordinary members, and it met several times a year. During these meetings they would discuss all important questions of actuality with regard to production, that is, the level which the production had reached, raw material situation, the actual production costs and the stocks; it discussed in detail the applications for credits for new establishments, new installations, and it had to approve these loans before such an application could be later on granted by the Technical Committee.

Q. Now, I want to talk about the research work.

A. Dr. Ambros made it a point that the very question of research was discussed in great detail during the meetings, and therefore questions of research took up quite an amount of time during the meetings. They discussed granting of funds for this research, and so on and so forth.

Q. Was there something else by the way of control on the research work by this commission?

A. Yes, the control was very detailed. The commission first had to approve the funds for the laboratory budgets, and if large-scale research, exceeding the normal framework of the laboratory budgets were to be carried

rit, the commission had to approve the funds necessary for that research under the specification of special research, or special experiments; and apart from that, once every year there was an exchange of reports between the various laboratories of the I.G. Farben, and in order to convey to you a picture concerning the volume most of the time it was more than 100 reports that would be received, and those reports I always had to summarize into a conference and to submit this conference to the commission. Apart from that, Dr. Andres would, once in a while, invite the directors of the large laboratories of the I.G. to make a conference concerning their particular field of work to the commission.

2. Now, if a new procedure of production was introduced, was the commission for intermediary products concerned, too? Did they supervise this production?

4. Yes, if the product for the first time was to be produced in the quantity of more than 500 kilograms — that is a comparatively small quantity — then this product had to be reported. This was done under the specification "New Products" every quarter-year.

3. Now I come to the vital points, Dr. Sehnell. Can you give me any detailed information concerning the general tendency of the research carried out by the commission for intermediary products?

4. Yes, that can easily be done. From the reports concerning these new products I made an analysis based on my documents, and this analysis shows that during the period from 1936 until the beginning of the war, that is, the period beginning when Dr. Andres took over the Chairmanship of the commission and ending with the beginning of the war, a total of three years and nine months, 425 new products were reported for production. Out of these, 40.1% referred to preliminary products for dyestuffs, and 39.9% to accessory products for dyeing, textile production and processing, laundry, and raw materials, and similar branches; 7.8% for preliminary products for plastics, rubber, plasticizers; and 5.9% to tanning material and auxiliary material for the leather industry; 15.6% to various other methods of application, pharmaceuticals, insecticides, odorants, food

chemicals, preserving chemicals, etc.

Together, these are 99.3%. Only three products, that is, 0.7%, are
special products for the armament production; and one of these three
products originally had even been a harmless water softener, increasing
of the forming of soap, that is, saving fat.

Q Dr. Schnell, we want to be quite precise. Will you please define what you mean by saying those were typical products for armaments?

A When I used that expression I meant a product only for war, or almost exclusively used for purposes of conducting war. In my analysis I have, fundamentally speaking, placed in this category of typical armament products, any product closely connected with explosives, in spite of the fact that explosives normally are also produced during peacetime for quarries and mines, and similar peace purposes.

Q What products, according to your opinion, are not typical armament products?

A According to my opinion those are such products as in peacetime are necessary for all sorts of purposes and are essential for these purposes but which, in the course of rearmament or in case of war, are more or less withdrawn from this peaceful use and used for war purposes. For instance, I am considering there a product which normally is also used for the production of ladies' stockings, and during the war is used for the production of parachutes — or, for instance, a product with which you varnish any peacetime articles for home use in order to embellish them and during the war you cover shells and bombs with it in order to protect them from the weather.

Q Now, Dr. Schnell, you are a chemical engineer. One intermediary question: There is the possibility of putting such products to a war economical use in case of war. Does that possibility exist in chemistry on a large scale?

A Yes, naturally on a very large scale — because where can you draw the line there? I should think that even a very harmless odorant can have an importance: If soap in war is extremely bad, you can render it more useful by adding an odorant. Excuse me.... but in the last analysis even the potatoes produced by the peasants were more important than the varnish because they are even more important for the conduct of war.

Q That brings me back to typical products of armament production you

have listed as 0.7%. Only as a cross-check I want to ask you again: This low percentage, did it come about perhaps on account of the fact that there were certain products that were so secret that you could not even list them in your statistics?

A That must not be assumed here, because these products actually were reported, and under the item of "use" they received the specification either for special purposes or for the needs of the armed forces, or explosives for DAG - that means for Dynamit Aktiengesellschaft.

Q Now, the I.G. had intermediary products which you also sent to the explosive factory?

A Yes, that is correct.

Q And in spite of these supplies, nothing special was developed in this field insofar as I understand your testimony. How come?

A Well, these figures just prove nothing concerning the supplies of intermediary products to the explosive factory. They only prove that the research work in the large field of intermediary products which was taken care of by Dr. Asbros was not directed towards such products. It is a matter of course that in the backstreets of research in all fields of chemistry - be it in the chemistry of solvents, or for dyes or plastics - there are many products which, by a chemical intervention, can be transformed into products for the use of the armed forces in a similar way as by a merely exterior intervention you can transform a harmless book opener by simple sharpening it into a very dangerous dagger.

Q Can you give us an example in the chemical field?

A Oh, I can give you innumerable examples there. Ethylene Diamine, for instance, is a product which by treatment with chemicals, by Formaldehyde, for instance, and Cyanhydric acid - which is very dangerous - and Caustic Soda, is transformed into a harmless means for the softening of water. But if you treat the same ethylene diamine with nitric acid although you got a very harmless salt at the beginning, as

long as the compound is wet, you will obtain, once you dry or even salt it, a powerful explosive working with an initiating fuse.

Q Dr. Schnell, this tendency of research, did it change after the outbreak of the war, after 1939?

A Change? Well, yes, it did. But not fundamentally. Therefore, I have also made an analysis in the manner I already described, for the first two war years concerning which I still have documents without gaps... And that gives me the following result: During the first World War years, 232 new products were reported. 17.2% of them were preliminary products for dyestuffs; 25.4% for the dyeing processes, for the textile production and processing, and for laundry materials; 24.6% for preliminary products for plastics, rubber, softener, and varnish; 2.7% for tanning and auxiliary products for the leather industry; 27.7% for the numerous other modes of application, for instance, pharmaceuticals, insecticides, perfumes, photo chemicals, and preserving chemicals, and so on and so forth. Together, 97.6%. Typical products for the armament production, only seven. That is, 2.4%. And a scrutinization of those seven products show that four of these seven are such products as were in use already and developed previously for peacetime purposes.

Q Dr. Schnell, I want to ask you: We have seen Ambros here insofar as he worked at Buna. You gave a description of Ambros insofar as his activity in the intermediary products commission is concerned. Can you tell me that both fields together formed the field where he was most active, as far as the chemical work was concerned?

A I would like to say that this was his fundamental activity, but later quite a number of other tasks were quite naturally added because he was quite an outstanding chemist.

DR. HOFFMANN: No further questions to this witness, Your Honor.

THE PRESIDENT: Any further questioning from Defense Counsel?

Then the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. SPEECHER:

Q Dr. Schnell, you yourself were not a member of the Party or any
of the affiliated organizations of the Party, were you?

A No.

Q. Now I would like to test your memory about one or two things. As Secretary of the Intermediate Production Committee how many copies of the minutes, or protocol of that committee did you make?

A. I have made as many copies as there were persons present at the meeting, and in addition to that, on request of Dr. Ambros, I would produce one or the other additional copies for some other person who was interested, but how many copies of every individual case I could not tell you, but it would have been about 20 or something like it.

Q. All right, didn't you have a regular distribution list besides those persons who did participate, - that is, for the TEL and for the TECO and so on, for the TEA Bureau?

A. On our regular distribution list we had the members of the commission, Dr. ter Meer, Dr. Struss, and the TEA Office, and the Sales Department. Aside from that, as I have said already, there would be one or the other agencies who were interested would receive a copy, when they have taken an interest in the Commission. The Sales Department ZW, Sales Department for Intermediary Products that is.

Q. Was that a part of the Sales Combine Chemicals or the Sales Combine Dyestuffs, or both?

A. That was a part of the Sales Department Chemicals.

Q. Now in our Exhibit 333, that is NI 5186, an affidavit of Dr. ter Meer, we have listed some 36 committees which were under the TEA, and of which the Intermediate Production Committee, of which you were Secretary, was really only one. Now tell me, did this Intermediate Production Committee have any jurisdiction over the Sulphur Sub-committee, the Acid Exports Committee, the Chlorine Committee, the Solvents Production Committee, the Lacquer Raw Materials Committee, the Tanning Agents Committee, and a number of other committees of a similar type?

A. The Intermediate Production Commission was one of the specialized commissions of Farben; incorporated to it was the Analytical Commission and the Naphthol AS Commission, as far as the organization was

concerned. The other commissions were independent.

Q. Did you get copies of their reports so that you could prepare for the meetings and for the agenda of the Intermediary Production Committee or not?

A. I do not quite understand your question. Do you mean whether I received minutes from the other Commissions?

Q. Yes, and their reports.

A. No, I did not, because the Commission for Intermediate Production was a Commission for Organic chemistry, which, of course, had cross liaison to the other Commissions, because the field of intermediate products is very large, but only with regard to plastics and solvents there was information, and also for the solvents commission, but for the rest, we did not receive any information from the other Commissions.

During my activity in the TIA office I received also all of the other minutes for my information.

Q. Was that when you were the Secretary of this Intermediate Production, and during the period from June or July, 1938 until the beginning of the 'World War I was in the TIA office. Of course I was at the same time still Secretary of the Intermediary Production Commission.

Q. Now the production which you were interested in in the Intermediary Production Committee were produced usually in more than one plant; is that true?

A. Yes, of course, in almost all of them.

Q. Now where was it determined as to what percentage of the total output of I.C. Farben was to be produced in one plant, and what percentage in another plant? Was that your committee?

A. If it involved an intermediate product then of course the committee for Intermediate Products would be the Commission to decide where and to what extent a product was to be produced.

Q. Did you personally work on the mobilization questions in connection with these intermediate products or did you not?

A. No.

Q. You did not receive any copies of the directives concerning mobilization orders with respect to what products were to be produced, in what quantities, what transportation steps should be taken, questions of deferring personnel? You did not receive any correspondence concerning that?

A. No, these questions were dealt with, as far as I know, by a few experts of the individual plants.

Q. Were you personally at Ludwigshafen in 1937, '38 and '39, or were you at Frankfurt during that time?

A. From the first of July, 1936, until the beginning of the war I was at Frankfurt and as from June 1939 until now, I was again in Ludwigshafen.

THE PRESIDENT: Are you through?

MR. SPEECHER: I beg your pardon, I have no further questions.

THE PRESIDENT: Any further questions?

Then, Mr. Witness, you are excused from further attendance.

MR. HOFFMAN: Your Honors, in order to conclude my case in-chief for the defendant Ambros for the time being, I only have to read from my document book, the last document which I have not submitted here, which is Document Q1 110 from Document Book 1-A, which becomes Exhibit 193. This is an affidavit by Dr. Hermann Buecher, and from this affidavit I would like to quote only the impression Buecher had at the time when Ambros, in the spring of 1943, came to see him in Berlin and reported to him that within a short period he would be summoned to Hitler's headquarters for a report, and that in this connection the question of the use of poison gas was to be discussed and Dr. Buecher says literally:

"We talked about it and agreed that the use of poison gas would be the greatest misfortune for enemy and friend. After the discussion with Hitler I could not remember any more if it was immediately thereafter or later, Dr. Ambros called on me again and assured me that on the part of Germany there was no intention to wage a poison gas war, and Buecher says:

"I am convinced that Dr. Amros rendered humanity a great service by his conduct. It must only be mentioned what would have happened if he had simply said as was customary at that time, "Jawohl, mein Fuehrer".

JUDGE HERBERT: Dr. Hoffmann, as we understand it, you have now concluded your case in chief with the exception of one witness whom you desire to produce later, and you told me, as I understand it, that it would require approximately two-thirds of a day to take the testimony of this additional witness. Is that correct?

DR. HOFFMANN: It is quite correct, Your Honor. The only thing I ask to include are possibly a few documents which for one reason or the other, should have to be admitted still.

JUDGE HERBERT: Yes, we will have that in mind.

THE PRESIDENT: Dr. van Helster, are you ready to make your presentation now?

DR. VAN HELESTER: Yes, Your Honor.

DR. VON METZLER: I have the honor to represent the case of Dr. Fritz Gajewski. May I, with your kind permission, very briefly outline the plan of my defense? First, I propose to call the defendant Gajewski into the stand. I am going to present three document Books which, as I trust, are by now in the hands of your Honors. The documents will be submitted in the course of the examination in chief. I may point out that there are a few documents still outstanding which we will present as a part of a supplementary book at a later date. After the conclusion of the examination of the defendant Gajewski I propose to call the witness Joers into the stand. Now, unfortunately this witness so far has not arrived here and we trust that he will be here tomorrow at the latest but in case this should not be the case then I would ask for the permission to bring this witness into Court at a later suitable moment. May I now call the defendant Gajewski into the stand?

THE PRESIDENT: The defendant will leave the dock and take the witness stand.

FRITZ GAJEWSKI, a witness and defendant, took the stand and testified as follows:

THE PRESIDENT: Defendant, you will please raise your right hand, say "I" and state your name for the record.

THE WITNESS: I, Dr. Fritz Gajewski.

THE PRESIDENT: Now, repeat after me the oath. Swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(the witness repeated the oath) You may be seated.

DIRECT EXAMINATION

BY DR. VON METZLER:

Q Dr. Gajewski, can you understand me that way, without the headphones?

A Yes, I prefer it that way.

Q Dr. Gajewski, before we go into your interrogation I would like to ask you to be very considerate with regard to the interpreters and be

slow. Don't forget to make an interval after every question. First, for the record may I ask you to state your full name and your date of birth?

A My name is Friedrich Wilhelm Erdmann Gajewski. I was born on 13 October 1885 in Pillau in Eastern Prussia.

Q Dr. Gajewski, would you please first of all tell the Tribunal by way of introduction what was your position when the National Socialists seized power in 1933 and what was your position with Farben?

A At that time I was a member of the Vorstand of the I.G. I was also a member of the Central Committee and at the same time I was Sparte Director, that is, director of Sparte III with a total of six plants. Apart from that, more specifically, I was Plant Director of the Film Production firm Wolfen which was the largest plant of my Sparte with eleven to twelve thousand workers.

Q Now, your Sparte, what field of activities did it include?

A My field of activities included and touched photographic chemicals, the field of chemical fibers of various natures and the field of artificial wool and eventually the field of fully synthetic fibers and eventually the field of nylon fibres. Apart from nylon had to be added the field of task of rayon.

Q What about artificial silk, rayon?

A Of course, rayon was part of that. That was one of the main factors.

Q Now, until what period did you hold this position you have just described?

A Until 14 June 1945. On that day I was ordered by American Military Government, together with 18 of my collaborators, to leave Wolfen and the city of Leipzig. I had to take along all my designs and blue-prints covering the whole field of photo-chemicals and particularly of color photography and all blue-prints concerning rayon and cellulose fields. We were evacuated to Munich where I had to hand over all of the blue-prints to the American Military Government and leave them there while I, myself, and my collaborators were told that no interest existed for us and that we

could do whatever we wanted. It's true that we were restricted to an area of four miles around Munich. First, I remained at Munich and on 5 October 1945 I was arrested.

Q Now, Dr. Gajewski, may I put to you Prosecution Exhibit 290 in Document Book 11, English page 37, German page 39. Do you have the exhibit at hand?

A That's the curriculum vitae, isn't it?

Q Yes, that's an affidavit you made where you give your curriculum vitae.

A Yes.

Q I want to ask you if you have it there?

A Yes.

Q Well, I want to ask you did you discuss that affidavit with me recently? Is there anything you have to add or to change?

A No, I have nothing to add or nothing to change.

Q Then may I ask the following question in this connection to clarify some points. At the first and second page of your affidavit you made statements with respect to the fact that you had the greatest difficulties to conduct your studies. Can you specify that for the purpose of the Tribunal?

A These difficulties were of a merely financial nature. On the strength of my predilection for natural science from boyhood onward I had the most fervent desire to study chemistry but already in my first education at school I had insurmountable difficulties because my hometown Pillau had no college where I could graduate. My father was a teacher at a primary school and as were many children, if all of us were still alive there would be 12 and I was the second child. Therefore, my father on account of his very moderate means as a school teacher could not send me into another town, for instance, to Königsberg, to graduate from college. Therefore, I first started to be a chemist in a drug store and after I had finished my apprenticeship I made my stage as a drug store chemist and I saved enough money to start my studies at Leipzig.

The means for the continuance of my studies I gained by working in the chemists shop Saturday afternoons and Sundays and during the holidays.

Q Dr. Gajewski, now let's turn to another chapter of your affidavit which I just put to you. You made no statements with regard to your political attitude particularly to your membership in the Nazi Party or one of its affiliate organizations and therefore in this connection I would like to ask you were you a member of the Nazi Party or of one of its organizations?

A I was a member of the Nazi Party since 1933. I was not a member of any of the organizations of the Nazi Party, neither in the SA nor the SS nor in the NSKK or in the other organizations.

Q Dr. Gajewski, in other words you became a member of the Nazi Party after the seizure of power?

A Yes.

Q Tell me, Dr. Gajewski, what made you join the Nazi Party? What were your motives?

A Well, the reason that made me join the Nazi Party was connected with my official position. As I have already stated even I then held this high position in the I.G. Farben. For the rest, in the Spring of 1933 I was just about to move from Berlin to Wolfen and in connection therewith the Betriebszellenleiter of the Berlin plant most urgently demonstrated to me that a man in my position as responsible manager of Werke III and Plant Manager of the Main Plant Wolfen absolutely had to be a member of the Nazi Party and that was absolutely in line with the information I had from quite a number of other Berlin agencies. Information was again and again repeated that now there was no shirking on my part.

Q Well, tell me, Dr. Gajewski, did you go into the program of the Nazi Party and did you scrutinize its aims and what was in general your personal attitude towards this program? Will you please tell that to the Tribunal in a few brief words?

A Well, there were quite a number of things in this program which

are welcomed and towards which my attitude was absolutely positive. In order to give you an example I am thinking of the abolition of unemployment advocated by the Party. Unemployment at that time was the cause of the terrible situation prevailing in Germany because this enormous unemployment which existed in Germany at that time had thrown millions of German workers into the most sad conditions and completely demoralized. Therefore, the program of reemployment seemed to me quite reasonable and found my full approval.

Q Dr. Gajewski, but were there points in the party program against which you had objections and misgivings of a fundamental nature?

A Yes, there were. I am thinking above all against the strong anti-religious trend and above all I am thinking of the racial theories of the National Socialists but it is true that I was of the opinion that once the party had come into power and once they had the power firmly in their hands then such radical tendencies would calm down.

Q Well, now, I am coming to one point of the party program that played a most important part in this proceeding and this is the point where a re-educating of all Germans was demanded. What was your attitude towards this point?

A Well, of course, this demand was known to me. It seemed comprehensible to me in as far as after all Hitler was a born Austrian and large circles in Austria had for long years held the desire to be united with Germany and to go on a common path. This desire at the time had already been expressed by the formation of a customs union between Austria and Germany under the foreign minister Curtius. However, this customs union after the war was again abolished on the objection of the Allies.

Q Therefore, if I have understood you correctly, Dr. Gajewski, your idea at the time was that it was only a matter of the Anschluss of Austria when you dealt with this point of the Nazi Party program?

A Yes.

Q Now tell me, did you ever see in this point of the Party program any kind of a danger that National Socialists, in order to achieve their aims, would use force if necessary, or that they would even use the means of an aggressive war?

A No, I never had that idea.

Q Dr. Gajewski, were you a man who had a political interest? I am asking with regard to that period.

A No, I really can't claim that for myself. My interests, as I have already said, were in the field of natural science from my very youth onward, and particularly in the field of chemistry, botanics, and all the allied sciences. My professional work was fully enough for me, and I had had hardly any time left, and the little leisure I had I devoted to my family, to the further education of myself in my own field, and I was a fervent hunter and fisherman, for in as far as I had time for those sports I went hunting and fishing.

Q Now, in order to complete what we might call your political picture, I would like to ask you whether before 1933 you had been a member of a political party?

A No.

Q Can you still remember, Dr. Gajewski, for what party you always

voted, and in particular I am thinking now of the last Reichstag election in March 1933?

A At that time I voted for the German People's Party--the Deutsche Volkspartei--a party of which, for instance, the German foreign minister, Stresemann, had been a member too, and which was a party of the middle class strata.

Q Dr. Gajewski, will you please then define your attitude to the Nazi Party in the following years for the benefit of the Tribunal. How did this attitude develop?

A Well, at various occasions and for quite a number of different reasons, I had clashes quite often with the Nazi Party and government agencies. These difficulties started right away when I took up my activities in the film factory at Wolfen, because there I found quite radical representatives of the Nazi Party and we never ceased to argue.

Q Can you give me a few more tangible examples of that?

A Yes, as a particularly stringent example, I would like to tell you about a denunciation by the Gauhauptstellenleiter in the Office for Technology, Dr. Singel. He made a denunciation to the Gestapo with the aim to remove me from my position. That was shortly after the beginning of the war, after I had already received the information--that is, during the summer, or as early as spring--that a denunciation had been made against me with the Party court.

Q Well, in a few brief words, will you please tell us what you were charged with in this denunciation?

A In this denunciation, amongst other things, I was charged with two specific complaints; that is, the reproach of sabotaging the armament program of the Nazi Party program in the field of artificial fiber, and my attitude to the Jewish question.

Q Well, did this denunciation originate with one very specific individual case?

A It originated from a very severe clash I had with the Kreisleiter of the Nazi Party, but in this denunciation it was specifically stressed

that my general attitude, as shown in the clash, originated in a fundamental opposition to the Nazi Party.

Q But in the denunciation, were there any examples given?

A Yes, in the denunciation there were quite a number of examples given, going right back to the beginning of my activity in the film factory.

Q May I ask you in this connection, Dr. Gajewski, did you oppose the influence of Richard Party people in the film factory Wolfen?

A Yes, as far as that was possible, I always did so. This very fact is stressed particularly as significant for my fundamental opposition to the Nazi Party in the denunciation.

Q Now, please will you in a few brief words tell the Tribunal the consequences of this denunciation?

A One day I was summoned to the Gestapo in Bitterfeld, to be interrogated six or seven hours--an interrogation which was in the usual manner. A few days afterwards, I was summoned to the main agency of the Gestapo at Halle, and there I received with a very severe reprimand by the Gauleiter, and there was an excited scene. The SS man present made me sit down. There I was charged with my attitude against the Nazi Party, which as I said, was absolutely not permissible, and that I was known as a friend of the Jews. The case of Ollendorff and others demonstrated that. In the same affair, two days later I was ordered to the Gauleiter Eggeling, who repeated some reprimand in the same severe manner though he told me that he knew that I was a very good plant manager and that in my plant everything was all right, and all he wanted to do was to reprimand me and warn me that the next time he could not protect me from more serious consequences.

Q Now after this incident, Dr. Gajewski, did your attitude towards the Party, as just defined, change?

A No, in practice it did not change.

Q Can you give me an example of that?

A As director of my research laboratory, I employed a scientist

of international standing in the person of Professor Eggert, who was married to a Jewess, and on account of this man I had a most severe struggle because I didn't want to fire him. I didn't fire him either until the end. I kept him there until the collapse of Germany, and today he is a professor at the Zurich University.

Q Can you give me some other examples for your attitude?

A Yes, I could give you quite a number, but I think that the best thing is for me to limit myself to the affidavits which are at your disposal.

Q Very well, you mean those affidavits which I am going to submit to the Tribunal at a later date?

A Yes. May I make a comment on them?

Q Please do.

A Well, what I wanted to add was that men of similar attitude were quite frank when they talked to me.

Q Can you give me a clear example for that, Dr. Gajewski?

A Yes. I am thinking of Dr. Goerdeler, Mayor of Leipzig, whom I met repeatedly and who was quite frank towards me. In the same manner as Goerdeler, Harold Walter Trauer, was very frank with me too and confided in me. He at the time was in the Georg Stoshr wool factory. He was a member of the Vorstand, and on the 20 of July 1944, on account of his participation in the conspiracy, he was executed.

Q In order to clarify, would you tell what happened to Dr. Goerdeler, for the information of the Tribunal?

A Well, I think that is such common knowledge that I don't have to tell you the details. He was betrayed and afterwards also executed. He was the leader of the whole movement.

Q But, wouldn't it have been your duty, fundamentally speaking, if you spoke to such men, who according to the concepts in force at that time committed high treason, didn't you have to report them?

A Yes, of course, that would have been my duty; but it was quite a matter of course that I didn't do it.

Q Mr. President, may I present now a few documents? The first document, which I offer in evidence, is Gajewski Document No. 1, which Your Honors will find in Gajewski Document Book I on Page 1, and which may go in as Defense Exhibit Gajewski Number 1. This is a report on Dr. Gajewski, addressed by Dr. Ringel to the Gestapo, the Secret State Police at Halle. During his examination in chief, Dr. Gajewski referred to this report. The report deals with the anti-Nazi attitude which Dr. Gajewski had displayed on several occasions, even in conversations with high Nazi Party officials, as for instance the Kreisleiter. I may quote, with the permission of the Court, two remarkable sentences from this report.

"That the observations made by Dr. Gajewski to the Kreisleiter were not isolated remarks and to be treated as an isolated case, but were the expression of the inner attitude of Dr. Gajewski and therefore a danger to the present State."

A further quotation: "All in all, in Dr. Gajewski I see a man who is of particular danger to the German economic administration."

I think, Mr. President, these quotations may suffice; as for the rest, the document speaks for itself.

The next document which I am going to offer in evidence is Gajewski Document No. 2, and can be found in Book I on Page 19. This document may go in as Defense Exhibit Gajewski No. 2. It is an affidavit by Wilhelm Lampe concerning the finding of Dr. Ringet's report, to which I just made reference. The affidavit speaks for itself. I need not comment on it.

Next I offer in evidence Document Gajewski Document No. 3, which Your Honors will find in Gajewski Book I on Page 23. This document may go in as Exhibit Gajewski 3. It is an affidavit by Dr. Marx, Director of the Institute for Polymer Research, New York, who in the years 1932 up to 1936 worked together with Dr. Gajewski, and who states that Gajewski always in conversations with him showed his aversion to the Nazi dictatorship and their racial and religious discriminations. I say, with the permission of the court, quote the following sentence from this affidavit, "I had a number of discussions with him on the political situation in Germany and Austria between 1933 and 1938 and remember that he always expressed himself strongly for the return of Germany to a democratic government with free elections."

The following six exhibits which I am going to present now are affidavits respectively, certificates of former Jewish employees who worked under Dr. Gajewski during the first years of the Nazi regime and who testify unanimously that Dr. Gajewski reportedly intervened on behalf of the Jewish employees and supported them in every possible manner, even at the risk of endangering his own position and personal safety. He tried to keep these Jewish employees as long as possible and dismissed them only when at last pressure from the government became too strong to

resist.

I may offer now in evidence Gajewski Document No. 4, which Your Honors will find in Gajewski Book No. 1 on Page 25, and which may be marked as Defense Exhibit Gajewski No. 4. This is an affidavit by Dr. Gerhard Ollendorff, until 1932 deputy Vorstand member and chief of the Wolfen Filmfabrik.

I offer next in evidence Gajewski Document 5, which can be found in Book I on Page 31, and which may go in as Gajewski Exhibit No. 5. This is an affidavit By Dr. John Eggert, to whom by the way the defendant referred just now during his examination in chief, and who from 1921 to 1945 was the chief of the Scientific Central Laboratory of Agfa, and until 1937 Professor at the University of Berlin.

I offer next in evidence Gajewski Document No. 6 which Your Honors will find in Book I on Page 35 and which may go in as Gajewski Exhibit 6. This is an affidavit by Dr. Pablo Federico Luft, former Jewish assistant of Dr. Gajewski.

Now I offer in evidence Gajewski Document No. 7, which Your Honors will find in Gajewski Book I on Page 39 and which may go in as Gajewski Exhibit No. 7. This is a certificate by Dr. Martin Biltz, former chemist at the Wolfen Works and of Jewish confession.

I offer next in evidence Gajewski Document No 8 which can be found in Book I on Page 44 and which I ask to be marked as Gajewski Exhibit 8. This is an affidavit by Ruth Bincer, wife of the former Jewish chemist at Agfa, Dr. Bincer.

I offer then in evidence Gajewski Document No. 9 which can be found in Book I on Page 47 and which may go in as Gajewski Exhibit No. 9. This is an attestation made

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by Dr. Hermann W. Hoerlin, formerly employed as a physicist in the Wolfen Filmfabrik.

These are the six exhibits to which I just referred.

Now I am going to offer in evidence Gajewski Document 56, which Your Honors will find in Gajewski Book III on Page 54. This document may go in as Gajewski Exhibit No. 10. Your Honors, this is an affidavit by Alfred Miller, former director of the Wolfen Film Plant, who testified on the subjects already covered by the affidavits which I just introduced; that is, the attitude displayed by Dr. Gajewski to all his Jewish employees. The witness states, moreover, that Gajewski, and that is a new point, showed the same friendly attitude towards the employees who belonged to the so-called Seventh Day Adventists -- Bibelforscher -- a religious sect which was at that time persecuted by the Nazis.

I offer now in evidence Gajewski Document 56 which Your Honors will find in Gajewski Document Book III on Page 52, and which may go in as Gajewski Exhibit No. 11. This is an affidavit by Erich Herrmann, former manager of the Personnel Department in the Central Office of Verkeufsgemeinschaft Agfa. The witness testified on the motives which induced Dr. Gajewski to join the Nazi Party in 1933, and declares that in spite of his adverse feelings towards National Socialism he joined the Party, as well as his commercial colleague, Otto, for reasons of expediency only.

THE PRESIDENT: Dr. von Metzlar, we will take our recess at this time.

(A recess was taken.)

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

DR. HERNDT, (counsel for the defendant Mann): Mr. President, may I make application that the defendant, Mann, be excused this afternoon and all day tomorrow, since I have some things to discuss with him?

THE PRESIDENT: Very well.

DIRECT EXAMINATION

DR. FRITZ GAJEWSKI

BY DR. VON LITZLER:

Mr. President, at the conclusion of the presentation of the first section of Dr. Gajewski's documents, I may refer to two Defense Exhibits which your Honors will find in Schmitz' Document Book 3, on pages 43 and 53, which were offered in evidence as Schmitz' Exhibits 41 and 42. These are affidavits of the Nobel Prize Winner, Professor Dr. Adolf Lindau, and Professor Otto Hahn, and the second affidavit is by Professor Heinrich Wieland.

In the first affidavit by Professor Lindau and Otto Hahn, reference is made on page 48 of the Schmitz Document Book 3, to the attitude which Dr. Gajewski displayed toward Professor Eggert. Your Honor will recollect that an affidavit has been offered by me on this incident, and in the two affidavits submitted, Exhibits 42 on page 57 of the Schmitz Document Book 3, reference is made to the same subject.

This, Mr. President, concludes the first part of the examination in chief of the defendant Gajewski relating to his personal status and his political attitude.

My colleague, Mr. Ayer, will continue now with your kind permission.

DIRECT EXAMINATION

DR. FRITZ GAJEWSKI (continued)

BY MR. AYER:

Mr. Gajewski, since we have finished the first point, I should like to go on and discuss your position within I.G. Farben Industrie. In your affidavit, Exhibit 290, Book 11, discussing your career, you have

already given us some information and also in the beginning you outlined your position briefly. In connection with your position as head of Sparte III, you mention the creation of three Farben Sparten in the year 1929, on the initiative of Geheimrat Bosch. Can you tell the Tribunal briefly what induced Mr. Bosch to create the Sparten?

A. I believe this question has already been dealt with exhaustively by Dr. ter Meer, and I believe it is also clearly enough presented in his Exhibit 333, Book 12 of the Prosecution. Therefore I can be very brief, and I will say only the following:

The most important cause was the beginning of the depression, and the resulting need for rationalization and saving measures. The division of the Sparten was made generally according to the class of products and chemical and technical principles. Thus Sparte I included chemistry of high pressure technique; Sparte II included Chemistry of dyestuffs, chemicals, the auxiliary and intermediate products, plastics, solvents and similar things. Sparte III, under which my plants were included, was the specialized field of photographic products, that is the photo chemistry known under the trade mark of Agfa, as well as other artificial fibers, as viscose, artificial silk, and collodion from which cellulose wool and a large part of artificial silk is made.

The distribution into these various groups proved itself valuable and it was retained after the original purpose, - that is rationalization to make savings, - had lost its importance.

Q. Can you now tell us about the developments which resulted from the creation of the Sparte I Farben, - the management of the business? Can you describe it briefly?

A. I cannot characterize it any better than by what Geheimrat Duisberg said at the time, that is, decentralized centralization within Farben.

Q. And what were the practical effects from this development?

A. It resulted automatically in a high degree of independence of the various Sparten in relation to the other Sparten, just as the heads

of the various Farben plants worked completely independently. But this too has been explained by Dr. ter Meer when he was on the stand.

Q. Now important technical questions affecting the various Spartes discussed in the TEA?

A. The really important questions were discussed in the TEA but not in detail, only in broad outline.

Q. Can you tell us briefly about how often these meetings took place?

A. The TEA meetings, like the Vorstand meetings, took place every 6 or 7 weeks. Consequently, there was such an extensive program every time that in the few hours available for the meetings, it was impossible to discuss any details.

Q. The approval of credits, that is requests for money for new investments or repairs, etc, in this case the TEA have been mentioned here repeatedly. That was the situation?

A. Each time there were such a number of motions, that only a very brief summary discussion was possible.

Q. If the matters were discussed only summarily in the TEA, had the details of the important technical questions and these credits, then been discussed beforehand?

A. As a rule, the meetings within the individual Spartes, so called Sparte meetings, served that purpose.

Q. And then were the credit applications submitted to the TEA in general sanctioned without further discussion?

A. That was actually the rule. For one thing it was necessary for lack of time, to concentrate the discussions greatly, and on the other hand, the collection had to rely on a large extent to the knowing of the subject of the one giving the report.

Q. Now there were Vorstand meetings too. How were such matters dealt with in the Vorstand?

A. Mr. ter Meer, as head of the TEA presented the TEA decisions very briefly to the Vorstand, which accepted them without further discussions.

Q Can you tell me what knowledge of such matters outside of your Sparta and your field of work you had?

A I had only very general knowledge of such things.

Q And this meeting of the Vorstand at which you were present, the circumstances of it could not have any connection with discussions of any questions on any subject which would have given you occasion to request explanations on TEA matters lying within the field of work of the other Vorstand members?

A No. Between the Vorstand members there was such great confidence that one absolutely relied, and absolutely could rely on whatever matter was presented by a Vorstand member as being all right in every case, but I don't want to go into any details here, either. This fact has been discussed by some of my colleagues, as Ter Meer, Hoerlein, and von Krieger, etc.

Q Thank you. In the beginning you said briefly what was your field of work, and what products your Sparta produced. Can you perhaps explain this function of a Sparta Leader, and specifically the function of the Leader of the Wolfen Plant in some more detail, so the Tribunal can get an idea of what was your work?

A The supervision of plants in Wolfen, that was difficult. My Sparta included seven plants which were several hundred kilometers apart. These were Wolfen Film; Munich, Bobingen, Rottweil, Landsberg, Premnitz and Berlin-Lichtenberg. The central office of the Sparta was at Wolfen, in the so-called Film factory in short, Wolfen Film. This name Wolfen Film served to distinguish it from the Wolfen Dyes plant. The Wolfen Dyes Plant is also in Wolfen, and it is separated only by a road of 500 meters long. This is recorded in the organization plan of Farben in book II, Document NI-10029, Exhibit 47. The Wolfen Film was the central office for the Sparta. The central institutions were there, too, and so were the main bookkeeping departments. This received the information about the expenses in other plants on the basis of which the prices of the products of the individual plants were calculated.

The main technical department was also there. The Public Engineering main technical department there received from all the six other plants all requests about new apparatus which needed repairs in the plants; after they had been worked out in this technical main department they were given to me for preliminary approval before they were sent to IFA through TEKO. Then in Wolfen Film as the central offices there was the main planning office, and all big building or construction work plans by the other plants were worked out here, and the blueprints were drawn up. Then there was a department at Wolfen Film for testing the practicability, which received the information from the plants of the consumption of chemicals, power and materials, hours of work, and so forth, in order in this way to be able to compare the efficiency of operation in the individual plants, and, in this way to supervise production. There were other office departments which I shall not mention, of which the Patent Office was there also. All the inventions made from the other plants were handled by this Patent Office. Of this Plant Wolfen Film, I was the Plant Leader, Betriebsleiter, and, this, of course, took all my attention. I had a great deal of work to do there. I had new plans of production, and new construction to approve, also the big plant for production of cellulose. I had to supervise the cellulose-wood and the production at Leisnig was undertaken for color films, and for nylon silk. All the projects involved several hundred millions. If one considers that such activity in such plants was my assignment — what I handled involved extensive outside trips, and so forth — it becomes understandable that supervising of the other plants could not be exercised by me but in the form of caring for them through an administration. I tried to do away with these difficulties by conscientiously appointing the best and most efficient men with a great sense of responsibility and devotion to duty. These men were completely independent with the management of these plants and they were the plant leaders in the sense that they were aware of the law for regulation of National Labor, called AOG. Technically it was easier to supervise these plants, because these plants were all producing

almost the same thing, artificial silk with the exception of Land...
which was later to produce photographic materials. I forgot to mention,
in addition, our artificial silk, this plant also made nylon.

Q And how about the Munich Plant?

A Yes, the Munich Plant made cameras later, and to a very small extent,
fuses.

Q I believe that will be sufficient for the Court. Now, I would like
to go over the positions which you held, which the Prosecution has intro-
duced as a report in Exhibit No. 289, Book 11, English page 33, German
page 36. First of all, I should like to ask whether this list is correct?

A Yes.

Q Do you have it before you?

A Yes.

Q Can you tell me if you have it before you, and if you have looked
at it again, how many of these thirty-two position listed there are
directly connected with your position in Farben?

A In these thirty-two posts, the majority, that is eighteen, are
connected directly with Farben. Among these eighteen posts there are eight
Aufsichtsrat positions in the companies which belonged to Farben, that
were connected with them.

Q Did you receive any compensation for the eight Aufsichtsrat activity
in these companies?

A Yes, I did, but I was not allowed to keep the money, however. That
was forbidden. It was reported to Schmitz Office, and then deducted from
my income which I received from Farben.

Q Now can you tell us anything briefly about the other ten positions?

A So far as I can say, four belonged to the organization of Trade
Industry, that is, the Economic Groups and the Specialized Groups.

Q And what was the purpose of these organizations?

A These organizations were devoted to questions of organization conn-
ected with the production of artificial fibres and cellulose.

Q You are also mentioned as a member of the Curatorium, the Central

European Economic Board; also the Chamber of Commerce and Industry at Halle, and then the Working Committee of Artificial Silk Syndicate. Will you tell us something about that?

A The Chamber of Commerce and Industry, the Working Committee of Artificial Silk Syndicate, were purely economic institutions. As to the Curatorium, the Central European Economic Board, I was again on the Board, whose duties were to investigate the hunting in the Alps.

Q All these various offices or positions which you have discussed, and so forth, did they have any special tasks in connection with war economy?

A No, sir, certainly not.

Q Did you have any leader functions in these organizations?

A I was only in the specialized group of chemical production of fibres. I was head of this group from 1934 to 1941. At this time I had to give up this position, and in all other cases it was simply a case of formal membership.

Q Then there are two other positions mentioned here, which you are to explain to the Tribunal. They were connected with the Accident Insurance Society for Chemical Industry. What is that?

A This is perhaps best translated as pertains to my position of Deputy Director of the Workmen's Compensation Insurance Company of the Chemical Industry, Section 5, Leipzig.

Q Was this a social working institution?

A This was an institution of Public Welfare Service, devoted to the protection of the workers in the Chemical Industry against the consequences of industrial accidents and disablement.

Q In this exhibit there are four other posts mentioned there connected with the NSDAP. You have already been asked about your Party membership. Can you tell us whether you made any unusual financial contributions to the Party?

A I didn't pay one penny more than the maximum obligatory contribution of eight marks and I believe a few pfennigs monthly.

Q And the other three posts mentioned as connected with the Party, the

Labor Front and so forth?

A They were all of no practical importance, and in the one case it is membership in the German Labor Front, that was compulsory to which every working German had to belong. Then I was in the National League of German Technical Men. I became a member of that League in the early days of my membership since 1921, in the German Chemical Society, a society similar to the Chemical Society of America, and I was also a member of the Reich Air Raid Protection League, which called for an annual contribution of five marks.

Q Now I ask whether or not you had any office in the Party, or any of these three organizations?

A No, not in the Party, nor in any other organization did I hold an office.

Q Then we can conclude this chapter with one final question. You are mentioned here as a "Wirtschaftsfuehrer"?

A I believe it was in 1942, but I could not tell you exactly when I was appointed the Reich Ministry of Economics without doing anything on my part.

Q Did you have any special training or function in connection with that? Did you take any oath? Were you put under any obligation?

A No, nothing of that sort. It was merely a title, a pure formality, which is shown by the fact that I had nothing whatever to do with armament production.

Q Then we can conclude these introductory questions and begin with Count I of the Indictment. First of all, I should like to ask you a few questions in connection with the alliance of Farben with Hitler, and the Nazi Regime, which is alleged by the Prosecution. Mention is made of a visit to Hitler in connection with the Hydrogenation process. Did that have anything to do with your Sparta, and did you know about that visit?

A It had nothing to do with my Sparta, and I had no knowledge of a visit at that time.

Q The meeting of the Industrialists with Hitler is shown in the house

of Goering on 20 February 1933. Were you given any authentic report of that, or were you present?

A No.

Q Then there are a number of donations, first of all, 400,000 marks to the election funds of the NSDAP? Was your approval obtained for this donation of 400,000 marks, or were you informed?

A No, that was not reported, neither in the Vorstand nor in the Central Committee.

Q Then I should like to discuss with you other donations which the Prosecution has brought forward. First of all, the 100,000 marks for the Sudeten German Relief Project. Were you informed of this donation? How did that take place?

A I was not asked beforehand. Also as seen from the Prosecution document, I was informed subsequently by a circular letter.

Q In connection with that, I should like to put to you a letter of the Office of Central Committee. It is Exhibit 834, Book 46, English page 36, German page 42. Do you have that before you? Otherwise, I must hand it to you?

A Yes, I have it, thank you.

Q Are you familiar with the contents?

A Yes.

Q. I should like to ask you whether from the formulation of this letter, which informed of the donation, you could see that a donation, as has been contended, was used to finance border incidents, and carry out sabotage against Czechoslovakia?

A. No, certainly not. First of all, the letter talks of the Sudeten German Relief Project. I imagine that this money was intended primarily for charitable purposes.

Q. If you will look through the letter, you will find that it speaks of the so-called Sudeten German Free Corps. Did you know what this "Free Corps" was, and what did you think of it?

A. Well, I am not certain, of course, but if I remember correctly according to the reports of the members of the time in Germany, the Free Corps was presented to the German public as an organization which was formed to protect the Sudeten German parts of the population against the constant excesses of the Czechs, which were reported by the German press. Under these circumstances it probably didn't occur to me that the money was needed to finance any aggressive action against the Czechs.

Q. There is another donation for the Sudeten German area. The sum of 500,000 marks that was given by Farben after the Munich Agreement. Was this donation discussed in the Central Committee or in the Vorstand beforehand?

A. No, it was not presented to nor discussed by the bodies which you have just mentioned.

Q. Is this same true of gifts to Goering concerning which the Prosecution has presented several exhibits?

A. No, I had no knowledge of them, neither.

Q. In conclusion I should like to discuss three donations to the SS in the years of 1942 to '44. I should like to put to you Exhibits Nos. 1585, 1592 and 1595, which you will find in Book 91 of the Prosecution, under the English pages 23, 35 and 41, German pages 26, 38, and 45. What about these donations?

A. I can say nothing from my own knowledge, also these three donations were not discussed in either this Central Committee, nor in the Vorstand. I heard of one of these for the first time in the Dossin Camp in Gransberg, when we read a report about it in the newspapers.

Q. Finally, can you tell me whether you knew at the time that one of your colleagues, Dr. Bustefisch was a member of Himmler's Circular of Friends?

A. No, I never knew that. I learned of it here.

Q. Then we can conclude this chapter of the case and I shall discuss the collaboration between Farben and Wehrmacht. My first question, from the production of Sparte III could they charge you with super-armorant production?

A. No, in my Sparte I had virtually no armorant production.

Q. Were any plants under your Sparte considered by the authorities as so-called armorant plants?

A. The plants in my Sparte were not considered Armorant plants, but as so-called was important and essential plants - so-called K & L Plants. An exception was part of the Camera Plant in Munich, that is, the part making fuses for the OKW, and the Powder Department of Rottweil, where, however, predominantly only artificial silk was made.

Q. As to these two cases which you have just mentioned as exceptions, were they of any weight in the Sparte?

A. No, they were quite insignificant, both from the point of view of the number employed and also the quantities.

Q. You first mentioned powder production at Rottweil. Did your Sparte have anything to do with this powder production either technically or commercially?

A. No, this production was not under Sparte III either technically or commercially. The management of the entire production and sale of the powder was exclusively in the hands of the DAG, the RWS at Nurnberg, and, as I recall, as far as export was concerned, of the Cologne-Rottweil AG in Berlin, which was a sort of liaison office, I believe.

Q. Dr. Gajewski, the DAG is known here, and Rottweil has also been mentioned. Can you tell us what RWS was?

A. The DAG is Dynamit Aktion Nobel Gesellschaft.

Q. We know that.

A. RWS is Rheinisch Westfaelische Sprengstoff Aktion Gesellschaft.

Q. Thank you. We now come to a question which I would like to discuss later, the relationship between Farben and DAG. However, I should first like to discuss something else. The Prosecution has submitted an exhibit, No. 616, in Book 34, English page 126, German page 230. This mentions the use of Hexogene in explosives. In other Prosecution exhibits -- Nos. 697 and 626, both of which are in Book 32, English pages 85 and 83, German pages 98 and 95 -- we see that there was a so-called contract plant, on behalf of the Reich or the OKW, at the Rottweil plant.

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What do you know about that? Is there any connection between these?

A. I actually know very little about it. However, in the case of Rottweil, this can only refer to the experimental plant for hexogene. As I said, I do not know any details. Since this plant was connected with explosives, it was exclusively in the hands of DAG. As far as I have been able to find out in the meantime, it was only a small experimental facility, which was closed down in 1942.

DR. WEYHER: In this connection, Your Honor, I should like to offer two documents on the subject just discussed. The first is Gajewski No. 50, in Gajewski Document Book 3, on page 32. The second is Gajewski document No. 81, in Document Book 3, page 37.

The first document is an affidavit of Dr. Fink, who, since 1913, was a chemist at Cologne-Rottweil, and later at Farben, and who is considered a powder expert. Dr. Fink deals with the question just brought up by Dr. Gajewski, namely, that Sparte III was not in charge of the production or sale of powder at the Rottweil plant. The witness confirms the fact that the powder operations of the Rottweil plant were carried out for the DAG, on a work contract basis, the Rheinisch Westphalian Explosives Company, and also Cologne-Rottweil, and consequently had nothing to do with Sparte III, either in the research or in the management of production, or in the field of sales.

The second document is an affidavit, which I offer as Exhibit Gajewski No. 12. The second document is an affidavit of the same Dr. Fink concerning the work done at Rottweil on hexogene. Dr. Fink says that this work was not for the purpose of developing a new type of

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explosive; the interest was in developing a smokeless powder. There was only a small contract plant operating for the production of hexogene, producing very small amounts, and it did not operate since 1942.

THE PRESIDENT: Counsel, have you indicated the exhibit number --

DR. MEYER: This document will be Exhibit 13.

THE PRESIDENT: Thank you.

BY DR. MEYER:

Q. Another question, Dr. Gajewski. In Prosecution Exhibit 696, which has already been referred to, there is a mention of loans made to Farben by the German Reich. In a list, in connection with this matter, mention is made of the Camera Plant at Munich and the Rottweil Plant. Are you informed about that, and can you tell us anything about it?

A. I am not informed about the details. In my opinion, it could only have been a question of financing the cost of the apparatus for the production of time fuses at the Camera Plant or for the apparatus for the experimental plant for hexogene at Rottweil. As far as I know, such contracts were taken care of by increased amortization. As I have seen from the documents, in the case of the Camera Plant there was a sum of only about 250,000 marks, which was apparently advanced by the Wehrmacht, but which was repaid by us within one year.

Q. Did such increased amortization have anything to do with armament production?

A. It also applied to other things; for instance, if there was a new product such as, for example, cellulose wool, (zellwolle) -- this product had not existed before that time -- then increased amortization was applied to

such new product by law.

Q. Thank you; that is sufficient.

A. Thus this advantage was given to the entire German industry. This was primarily necessitated by the quick deterioration of the apparatus, and this involved the concept of short-lived economic goods, for which such benefits were approved.

Q. We shall now turn to another question. In connection with the Prosecution's case, the meaning of the so-called Vermittlungsstelle W in Berlin has been brought out repeatedly. Did this office have such an importance, and was the collaboration of your Sparte with the Wehrmacht reflected in any way in the activity of the Vermittlungsstelle?

A. Yes. In connection with Vermittlungsstelle W, it will probably be sufficient to refer to the testimony of Mr. Ter Meer, who pointed out how slight the importance of this office and its functions was. For Sparte III specifically, I should like to add that it was only represented in Vermittlungsstelle W by my associate Dr. Mayer.

Q. Did Dr. Mayer not have other duties aside from this liaison work?

A. Yes, of course, Dr. Mayer was the head of the department for testing rentability, which I mentioned before, and he was so busy with these matters, since he had to handle them practically alone, that he had very little to do with Vermittlungsstelle W. Therefore, he continued to reside at Wolfen and did not go to Berlin. Since my Sparte had actually only two or three products, photographic supplies, fibers, and cellulose, I did not consider it expedient to send one more representative to Berlin to Vermittlungsstelle W.

Q. In its Trial, Part I, at page 17, the Prosecution refers to Exhibit 165 in Book 6, English page 125, German page 202. With reference to this document, it is maintained that in the field of invention and research there was close collaboration between Farben and the Wehrmacht and that you, among others, received secret reports on this subject which contained a discussion of Farben's collaboration in Reich-owned plants. Do you have this exhibit?

A. Yes, I have it.

I can only say that try as I may, I cannot remember ever having received any such secret report. I have examined this carefully and I have discovered that my name does not occur in it, and as far as I can see, the question of sending out secret reports to me or to other defendants is not mentioned at all.

Q. Now a question on the setting up of so-called mobilization plans, which have been considered so important here. Did Sparte III exert any initiative or make any suggestions in setting up mobilization plans?

A. This question too has been dealt with very thoroughly, and I can be quite brief in answering your question. That is not the case. I did not take any initiative in that matter. The establishment of such mobilization plans was the result of government orders. To be quite frank, I took hardly any interest in them. The Reich Statistical Office had collected the information for years; the mobilization plans were gradually introduced, and finally the regulations resulted, which were actually only production plans. These developments resulted in the pertinent regulations, which can be seen from the documents which Dr. Ter Meer has introduced.

Q. Thank you. From the way in which these mobilization plans were handled, did you get the impression that they were intended for preparation for a war of aggression?

A. No, one certainly could not get that impression. In my opin-

ion, such mobilization plans are customary in the work of every army for the purpose of national defense, and were no doubt prepared everywhere in the world.

Q. What was the production development after the outbreak of war?

A. Since the beginning of the war, and, in part, even before that time, ~~our~~ total production was in the form of state orders. All production was under state direction, and I do not believe it was stricter anywhere than in artificial fibers, to give an example. I, as head of the plant, was responsible for filling the production quotas. Without such quotas, one was not able to produce or receive the necessary raw materials during the war. On the other hand, however, as I have said, one had to fill these quotas completely, because otherwise one would have run the danger of being accused of sabotaging the war economy.

Q. In conclusion, were mobilization games, which have been discussed here, ever held in your Sparte?

A. No.

DR. WEINER: Mr. President, I should like to introduce document Gajewski No. 10, in Book 1, Exhibit 14. This is an affidavit of Dr. Harry Meyer, whom Dr. Gajewski just mentioned as the liaison man with Vermittlungsstelle W. This affidavit explains the relationship with Sparte III, the importance of this office, the mobilization plans, and the war games. Dr. Meyer comes to the conclusion that the importance of this office for Sparte III seemed slight, in view of the character of the products; and the head of the Sparte — that is Dr. Gajewski — ascribed only a slight significance to it.

I do not believe any further comment is necessary, since this question has already been discussed here.

BY DR. WEINER:

Q. Dr. Gajewski, you have just stated that in part, even before the war, production was steered by the Government. This brings me to

the field of the Four Year Plan and to the contention of the Prosecution that under this plan Farben had expanded its capacity enormously and thus made possible the creation of the Nazi war machine for a war of aggression.

Can you tell me in what fields of production of Sparte III, specifically, the Four Year Plan had any effect, and to what extent?

A. First of all, I may say that the Four Year Plan, of course, tended to the creation of an autarchy in all fields dependent upon imports from abroad, with a view to the enormous scarcity of foreign exchange in the Reich. In connection with the creation of the Four Year Plan, Goering was appointed Plenipotentiary for all raw material and foreign exchange questions. Therefore, in a large part of my production—the entire field of photographic supplies—the Four Year Plan was of no significance whatever.

Q. You mentioned an autarchy. Was Germany dependent on imports in the field of photographic supplies, or did you export?

A. No, on the contrary, we were big exporters of photographic materials and supplies.

Q. What reasons were there, then, for the expansion of production of photographic articles? Did that have anything to do with rearmament?

A. No, certainly not. As I have already said, the expansion of photographic production had nothing to do with the Four Year Plan, and even less with rearmament. It was the natural result of our technical progress. As a result of very valuable inventions-- I shall mention only one, the invention of a highly sensitive film with a very fine grain, which, according to all former opinion, was a self contradiction, because a highly sensitive film had always been considered to be a very coarse grained earlier. This invention brought us an advance of years over all other firms in the world, and this was ended by a betrayal.

A further advance was the color film, which was to give us enormous prospects for the future. This development went hand in hand with general economic improvement in Germany. After the depression had been overcome in Germany, there was an increasing demand for photographic articles. One must imagine that all Germany was running around in uniform. Every boy and every girl had a uniform; everybody in the Reich Labor Service was in uniform; the Wehrmacht was being set up. Everyone was running around in a uniform; the government officials got uniforms. Only the industrial leaders did not have any as yet. Then everybody wanted to have a picture taken in his uniform; every soldier with his girl friend. For all these reasons, the photographic field developed very strongly and was expanded.

This development brought about the decision to build a new plant, a very big one, in Landsberg on the Warthe, 60 kilometers north of Berlin, where the unique invention of color film was to be put into large scale production.

Q. From what you have just said, I conclude that you went to Landsberg to produce photographic film. In this connection, I would like to put to you that the Prosecution, in its Trial Brief Part I, page 112, points out that Farben had a number of so-called stand-by or reserve plants which were to be used only in case of war. Then, on page 111, they cite as an example the construction of this Landsberg plant, that you just mentioned, as a plant for the production of synthetic fibers and not of photographic articles. What do you have to say about that?

A. This statement, of course, is incorrect. The construction of the Landsberg Plant was taken up at the end of 1938; however, not for the production of synthetic fibers, but, as I have just explained, exclusively for photographic articles. The construction was to be completed in 1941. After the outbreak of war, because it was no longer possible to build it for photographic supplies, the construction was

stopped by the authorities and we simply received no more materials. In the building already finished, the film pressing machines were built up and other machines were brought in to produce the very important electro isolation folios. Only later, in 1942, did we receive the order from the Reich Ministry of Economics to establish production of so-called fully synthetic fibers, which means fibers made from purely chemical materials and no longer like other silks, using as a basis a natural product, cellulose.

Such a fiber or silk is nylon, which we wanted to produce at Landsberg in collaboration with DuPont.

Q. Thank you.

DR. VON LITZNER: Mr. Gajewski, may I make one remark? You frequently introduced your answers with the word "ja," although the answer is negative. The translation should not be yes but well, but the interpreter does not know that beforehand. I would like to ask you to omit this "ja" to avoid any misunderstanding.

A. Thank you.

DR. EYMER: Mr. President, I should like to introduce three documents at this point, first of all, the Gajewski document No. 40 in Book 3, Page 1, as Exhibit No. 15. The document is an affidavit of Dr. Alfred Mueller, who was director of the production of film at the Landsberg plant under Dr. Gajewski for years. He describes the improvement in the photographic business in more detail. He says that the expansion of production of Sparte III -- in the field of photographic film was connected with the inventions and discoveries in this field on the one hand, and the receptivity of the market on the other hand, and that there is no connection of any expansion with the Four Year Plan, because the photographic field was not affected by the Four Year Plan, and because Germany produced enough in the photographic field. Dr. Mueller describes the inventions which Dr. Gajewski has mentioned which led to a considerable improvement and consequently to greater turnover. He also confirms that the construction of the Landsberg plant for the production of photographic film was planned, especially of photographic film. Dr. Mueller speaks briefly about collaboration with the Wehrmacht and says that intensive collaboration in the field of film with the Wehrmacht was never considered. Also, Dr. Mueller comments on a number of questions which we shall come back to later. The next document is Gajewski document No. 41, and the next one No. 42, both of which are in Book 3 on Pages 10 and 12. They are minutes of the Technical Committee confirming Dr. Gajewski's statements about the purpose of the construction of Landsberg

and the adaption of the plant in the year 1941 to fully synthetic fibers. These documents are offered as Exhibits 16 and 17. Since we have now dealt with the photographic field, I should like to go into the field of artificial fibers now.

Q. Now about the expansion of these capacities in connection with the Four Year Plan?

A. There was great interest on the part of the National Socialist Government in this field from the beginning. Naturally this interest increased as the scarcity of foreign exchange became more acute, especially after the Four Year Plan was introduced, because Germany in the field of textiles and raw materials, wool and cotton, was dependent essentially upon imports.

Q. Were any wishes expressed by the State in regard to an increased production, if such an interest existed?

A. Yes, that was the case. As early as 1934, our experiments for the creation of a usable fiber had advanced so far that we had an annual production of 6,000 tons. We were the only producers of artificial fibers at that time. In this year, Geheimrat Bosch and I went to the Minister of Economics, Dr. Schmidt, at his request. He asked us to multiply production, to increase it from 6,000 to 36,000 tons.

Q. What did you do? Did you comply with this request?

A. Yes, partially. We rejected the demand at this figure and we promised a production of 18,000 tons in the beginning on the basis of the viscose procedure.

Q. Can you tell us briefly what the reasons were for this refusal?

A. Yes. As an enterprise adapted largely to exports, we of Farben, always worked on the principle that the condition for sound economic life is a revival of world trade. We hoped that such a revival would occur or had to occur in the near future. In this case, there would have been much better cotton available, which moreover would have been cheaper. It would have been brought to Germany again. In addition, I considered artificial fibers not a product that would or could auto-

natically replace cotton. I considered the development of artificial fiber to mean that it would be a new textile similar to artificial silk. It would gain a place for uses within the over-all field of textiles. Therefore, after a thorough investigation, we considered the production of a limited amount only justified, and we estimated this amount, after a very careful examination of circumstances, at about 60 to 70,000 tons. I believe the figure was 66,000, with a total requirement of 5 to 600,000 tons in Germany for textiles such as cotton, wool, artificial silk, silk for clothing and other purposes.

Q. Did you tell the Government authorities these reasons that you have just told us?

A. Yes, not only orally, but we also did this in a memorandum which we issued and which contained a very careful application to the effect that production to the extent required by the Ministry of Economics would not be advisable from the economic point of view.

Q. What were the consequences? Was there any reaction in the Ministry of Economics?

A. We had certainly not made ourselves popular by handing in this memorandum. The State now took up a national program without us. On its initiative and with its support, partly with the aid of peculiar means, a large number of artificial fiber plants were subsequently set up outside of Farben.

Q. Was this the only time that the State approached you, or was further expansion of artificial fiber production demanded later?

A. Once again in 1938 the State demanded that we should participate in a further expansion of artificial fiber production. It required that the production at that time, 160,000 tons, be doubled, that is, be increased to 320,000 tons, but we refused for various reasons, which I want to say for the same reasons I have already given.

Q. You just said that in 1934 you or Farben were the sole producer of artificial fibers in Germany, and that later because of your attitude the State had new factories built. What was the effect on the monopoly

Farben?

A. The production of the new plants in the course of years surpassed our production considerably, so that finally in the year 1944 we had only a proportion of 16.2 per cent of total German production of artificial fiber.

B. In this connection, I should like to put to you Prosecution Exhibit 515, Book 34, English page 125, giving a list, a presentation of Farben participation in 1943 in the total German production of artificial fiber and artificial silk. The Farben share for this year is 26 per cent in artificial fiber and 24 per cent in artificial silk, which is rather higher than the figure you just mentioned. Now about this?

A. Not only a little higher, but in my opinion, it is quite a bit higher. The statements made here are not correct. Here Farben production is compared in the year 1943 with Germany's total production of 1943. Farben's figures are true for the year 1943. In 1943 of artificial fibers, Farben has 53,000 tons and artificial silk, 17,000 tons, but the figures in the second column on the right for German production in 1943 are wrong. These are not the figures of the year 1943. They are the figures of 1936. The figure for artificial fiber is not right even for the year 1936. On the other hand, the figure 72,000 for the production in 1936 is correct. In reality, Germany production in 1943 was not 189,000 tons but 320,000, and 72,000 but 96,000, and this reduced the percentage from 28 per cent Farben percentage in the German market for 1943, reduced 16.2 per cent, and 24 per cent for artificial silk is reduced to 17.3 per cent.

B. The first percentage referred to artificial fiber.

THE PRESIDENT: We will recess until 1:30.

(.. recess was taken.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 2 March 1948)

DR. FRITZ GAJCWSKI - Resumed

DIRECT EXAMINATION (Continued)

THE MARSHAL: The Tribunal is again in session.

DR. SPEICHER: Mr. President, I have one matter of straightening out the record which is of sufficient importance, so I ask the consent of defense counsel to make this statement at the present time. On last Saturday, the affiant Rene Belandier, B-e-l-a-n-d-i-e-r, was examined before Commissioner Mulroy. At that time in the examination, Prosecution document NI 14480, was introduced as Prosecution Exhibit 1907. At the same time before this Tribunal, we introduced a different exhibit as Exhibit 1907. Therefore, with your permission, we intend to have the document introduced before the Commissioner given a new and different exhibit number so as to avoid confusion, and therefore at this time we ask that Prosecution document NI 14480 be marked in evidence as Prosecution Exhibit 1934.

THE PRESIDENT: That is the commission exhibit?

DR. SPEICHER: Yes.

THE PRESIDENT: It is so ordered.

BY DR. MEYER:

Q Dr. Gajowski, we have been discussing the share of Farben in the total production of Germany of cellulose and synthetic silk, and you have corrected the share for 1943. In this connection, I have another question. Did cellulose or artificial silk play any role in the rearmament? Did you understand the question?

A Yes. The requirement of the army was very small in the artificial fiber, and therefore I can answer this

question with no.

Q I would only like to submit to you Exhibit 401 of the Prosecution in Volume 19, English Page 30, German Page 37. This is a list of the requirements of the army as far as textiles are concerned which came up during a conference at the GEM and which were established there. The requirements amounted to 670,000 tons of rayon in 1937 and 3130 tons of artificial fiber. How high was the total production in this year according to your recollection?

A May I correct something?

Q Yes.

A I think you made a mistake when you said 670,000 tons. That is supposed to be 670 tons. The total production in this year was 57,000 tons of rayon and 105 or 106,000 tons of artificial fiber. This merely confirms the correctness of my assumption that the requirements of the army, as far as these two products are concerned, played no part at all.

DR. WEYER: At this point, Your Honor, we would like to introduce several documents, first of all, document No. 43, Gajewski in Volume 3, Page 13, as Exhibit No. 18. This is an affidavit of Mr. van Beck, who was the manager of the Sales Department Cellulose of the Sales Combine Agfa in Berlin. Mr. van Beck states that the expansion of cellulose production of Farben was kept within the natural consumption capacity of the textile markets and that Farben, as Dr. Gajewski already stated, avoided an excessive expansion as asked for by the Reich Ministry of Economics since 1933 and 1934. Mr. van Beck describes that Farben's proportion of the German cellulose production, owing to this attitude and the creation of new factories, encouraged by the State, declined from about 95 per cent in 1933 to 16.9 per cent in 1944. The next document which

we introduce is document NO. 44 for Gajowski, also in Volume 3. This is on Page 17. This document is to receive Exhibit No. 19. It is an affidavit of Hermann Dunst, manager of the Sales Department Artificial Silk of the Sales Combine Agfa in Berlin. Mr. Dunst confirms that also in the field of artificial silk, increased production was on a small scale in 1933 to 1939, though it would have seemed appropriate to fall in with the Government sponsored program of self sufficiency in the textile raw materials by considerably increasing artificial silk production. The affidavit contains the figures of the German artificial silk production and Farbren's share of it, which confirm his statements. As document No. 45 for Gajowski, in Book 3, on page 21, we introduce as Exhibit 20 an excerpt from a survey of the Reich Association Chemical Fibers on German production of cellulose and artificial silk in the years 1935 to 1944. This shows the same picture, and as a supplement to this, as document No. 46 in Book 3 Gajowski on Page 22, Exhibit 21, we introduce an excerpt from a survey of the Reich Association Chemical Fibers on the production of cellulose in Germany, showing Farbren's share in these years, namely, 1940 to 1944; and also as document 47 for Gajowski, in Book 3 on Page 24, as Exhibit 22, an excerpt of the same contents on the field of artificial silk, also from the Reich Association Chemical Fibers.

As Gajowski document 48, in Book 3, Page 26, as Exhibit 23, we introduce an affidavit of Hans Kohrl, who, as known, was in charge of chemical fibers, first at the Reich Ministry of Economics and later at the Speer Ministry. Kohrl confirms that the entire production on this field was regulated by Government directives, which fixed both production figures and the quality. He also confirms that the managers of the

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individual plants were personally responsible to the State authorities for the fulfillment of these directives.

As the final document for this subject matter, we introduce Gajewski document 49 in Book 3, which is on Page 28, as Exhibit 24. This is an affidavit of Dr. Eduard Hartmann, former manager of special group Chemical fibers, and later of the Reich Association Chemical Fibers, and also manager of the Artificial Silk Sales Office, the German Syndicate of Artificial Silk.

Hartmann confirms that the producers of cellulose and artificial silk produced according to strict directives of the competent Reich authorities. He also says that Dr. Gajowski, as for the question of raising the capacity in the field of chemical fibers, often found himself in opposition to the demands of the competent Reich authorities, and this finally led to the fact that he had to give up his office as manager of the special group chemical fibers which he mentioned early in the examination and that he had to give up his office in 1941.

MR. McCLELL: If your Honors please, with respect to Gajowski Document 28, Exhibit 23, we ask your Honors to please place a question mark in front of the index. The affidavit deals with the period during the war and the index may be susceptible to an interpretation that he is talking to a period preceding the war and I just ask your Honors to note that.

THE PRESIDENT: Right.

BY DR. MEYER:

Q. Dr. Gajowski, were you under the impression that the ambitions of the government or of the four-year plan were to serve for the preparations for an aggressive war?

A. Certainly not. He had thought of war at that time. I as well as all of my colleagues considered the four-year plan from the viewpoint of strengthening German autarchy in view of the difficult situation of the Reich in the matter of foreign exchange.

Q. The prosecution referred to a speech of Goering of the 17th of December 1936. This was in the trial brief on page 20 and I would like to submit to you Exhibit 423 in Volume 20, German page 70, English page 15. This gives us the text of the speech. Did you hear about this speech or the wording of the speech?

A. No, I was not informed of it.

Q. As I have already said, the prosecution has introduced the speech by Goering as an exhibit. Was this speech, as far as its wording or its meaning is concerned, published this way in the German press as far as you recall, especially the part quoted by the prosecution or the wording of it to the effect that Germany was already in the midst of war

and mobilization, the only thing was that there were no shots being fired as yet? Can you recall this?

A. I cannot remember of any publishing of this speech to this effect in the German press. I consider this very improbable, since Hitler and other officials only mentioned the love of peace of Germany and its government publicly. I would only like to remind you that shortly before that, in the fall of 1936, the Olympic Games, in Berlin which took place then were used as a demonstration for the understanding of peoples, and we felt it as such, we and the rest of the world.

Q. Within the four-year plan, the office for economic expansion is mentioned or the office for the plenipotentiary for chemical questions under directorship of Dr. Krauch was set up. Did any branch of your production fall into the competency of this office?

A. Neither photographic supplies nor cellulose fell under this competency, nor the fuse production either. In charge of the products of Sparta III were the Reich Ministry of Economics, namely Mr. Kallack, who later was transferred to the Armament Ministry, and the various economic and specialized groups otherwise.

Q. As for this point, I would like to show you prosecution exhibit 512, Book 25, English page 7, German page 12. This is an affidavit by Dr. Ilgner and he says there that you as well as several of your colleagues were honorary advisors in the Krauch agency and then I would like to show you another affidavit by Dr. Ilgner. This is prosecution exhibit 377 in Volume 14, where on the English page 69, German pages 135-6, it is said under Point 11 that you, as director of Sparta III had had contact with the Krauch agency as the plenipotentiary for special chemical questions. Would you please comment on this?

A. As I have already said, my products did not fall into the competency of the Krauch agency. Therefore, I had no contact with him or maintained no contact with him as Dr. Ilgner claims. Professor Krauch has already confirmed this when he was being examined. I am therefore only assured that Dr. Ilgner made a mistake.

Q. In the last-mentioned exhibit 377, it says under Point 12 that you had made contact for Sparta III with the Ministry of Munitions and Ammunition, the later Ammunition Ministry. What about that?

A. As I have already said, Sparta III did not produce any armament material. Therefore, I had not the slightest thing to do with the Ministry for Ammunition and Munitions. After Mr. Kehrle was transferred from the Reich Ministry of Economics into the later Reich Ammunition Ministry, and directed the production of artificial fiber from there, we received the directives from him as a member of that Ministry. As far as I recollect, this took place at the end of 1942. Another contact with the Sparta Ministry did not exist on the part of Sparta III.

Q. May I make a remark? I think you could speak a little faster if the interpreters don't object.

A. Do I speak too fast?

Q. No, on the contrary.

Q. Thus, if you could please speak a little faster, you may do so. My next question, in connection with the general significance of fiber production for the equipping of the Reich war machine as the prosecution has claimed, you have already described the non-military character of the production of your Sparta. There are only the two exceptional cases which you mentioned, namely the fuse production in Munich and the powder production in Rottweil. How did it come about that the expert work took up the fuse production?

A. The exact manner in which the fuse production was taken up in Munich I cannot describe any longer from my own knowledge, since this matter was of very small significance for my Sparta and is already 13 years back in point of time, but I assume that it took place in the way Dr. Lings, the former manager of the expert work, had described it in his affidavit, which the prosecution has introduced as Exhibit 253 in Volume 10.

Q. This is Exhibit 253 in Book 10, German page 3, English page 3. Can you tell me what significance the extent of the fuse production of

the cannon work had in relationship to the German total production of fuses for anti-aircraft ammunition?

A. To my recollection, the share of the cannon work in the German fuse production was quite minimal. According to what I have heard, I can say about this that the production of the cannon work during the war on the average was at best 60,000 pieces as contrasted with a German total production of about 2-1/2 to 3 million pieces.

Q. In connection with the powder part of the work in Rottweil, which we have already described, I now come to the relationship between I.G. Farben and Dynamit-Nobel (D.N.). You said that the powder production in Rottweil was not directed by Farben or your Sparte but by the D.N. What was the relationship of those two plants to each other?

A. Farben owned a considerable share of the capital of the D.N. I cannot give you the exact percentage at the moment. Furthermore, there was a contract for the community of interest between the two companies.

Q Can you briefly give us the important parts of the contents of this contract, very briefly?

A According to this contract for the community of interests, the DAG was to give the net profit to Farben. On the other hand, Farben guaranteed a dividend to the DAG which was to be in a definite relationship to the dividend which was given by Farben. In this respect this was also a contract guaranteeing dividends.

Q Were the relations between Farben and DAG restricted to the financial sector?

A The financial sector was in my opinion the most essential point. Furthermore, according to paragraph 1 of the contract, which has already been introduced by the Prosecution as Exhibit 17 in Book 2, the DAG remained in control - rather remained independent in the control of its own business affairs.

Q Did Farben had an influence on DAG in a technical respect?

A No, in no way. The mutual relationship in the technical field can be described best as an exchange of know how. Such an exchange took place almost exclusively, one could say, only in the field of plastics. In my Sparta in the plant at Dormagen, acetylene cellulose was being produced which the DAG fabricated into a non-splintering glass for automobiles. Here an exchange of know how took place in the field of acetylene cellulose. Furthermore, such an exchange of know how took place with Ludwigshafen in the field of plastics which were being processed and made into goods, such as radio apparatus, radio materials, etc. In connection with this, a certain friendly exchange of know how took place in the field of engineering.

Q You named several fields such as plastics as being the production field of DAG. Didn't it have another important field of production?

A Yes, oh yes. DAG also produced explosives and powder, as is well known.

Q Does the fact that I.G. had no technical influence on DAG - is that valid for this field too?

A Even more so, for this field, because here an influence was not possible because the specialists in explosives and powder were with DAG, whereas Farben did not have any such specialists at all. Thus, the general director of DAG, Dr. Paul Mueller, was the most respected expert in Germany for powder and explosives. As such, he was also known abroad.

Q In this respect, may I show you a Prosecution Exhibit, namely 391, in Book 15, English page 94 or 119, German page 104 and 137 respectively? This is an affidavit of Dr. Struss in which DAG is mentioned as a company attached to Sparta III. Can you briefly comment on this?

A This attachment was a purely formal one. It took place merely for the reason that the DAG was in charge of cellulose derivatives and cellulose itself or rather had points of contact with our Sparta in these fields because I have already mentioned that we worked together with them in the field of acetylene cellulose. Furthermore, DAG was itself a company which processed cellulose on a large scale.

Q The formal attachment of which you just spoke actually did not express itself in an influence in exerting any influence in a commercial or technical field on the DAG?

A No. On the technical side or rather about the technical side I have already spoken. But in view of the sale of its products, the DAG was completely independent, and in the field of sales it had nothing to do with Farben. It had its own completely independent sales organization for the powder and explosives and also for the plastics field. It sold these plastics via its sales organization Venditor. Furthermore, the independence of DAG was always very definitely emphasized by Dr. Mueller. For example, after the creation of Spartas, when I wanted to inspect his installations and machinery in the field of plastics and their fabrication, and their processing, differences developed between the two of us.

Q Would you just tell the Tribunal who Dr. Paul Mueller was?

A As I have already said, Dr. Paul Mueller was the general director

of DAG. That is of the Dynamit Co. Nobel. He presided over the Vorstand of this company.

Q Or what type were the differences that you had with him?

A Dr. Paul Mueller was of the opinion that my intentions to inspect his production could not be reconciled with the agreements which the contract with Farbren, namely between Bosch and Schmitz, asked for, namely effecting the independence of his position. Therefore, he turned to Dr. Bosch and asked for a conference in order to clarify our relationship.

Q And how was this relationship clarified in this conference?

A This conference was short and pleasant and it resulted in a simple statement which Dr. Bosch answered on the question of Dr. Mueller of whether I was a superior and whether I was able to give directives. Dr. Bosch said no that was not the case, whereupon Dr. Mueller said that this ended the question as far as he was concerned. I may add that after this conference, Mr. Bosch told me that the agreements mentioned before contained the promise that Dr. Mueller was to remain independent, completely independent, and Mr. Schmitz confirmed this to me later.

Q And after this, as I take from your previous answers, it was practiced that way. Is that true?

A Yes. Myself, as well as my collaborators, absolutely complied with this decision. Merely the credits - that is the demands for investment went via Sparta III to TEA, as far as they affected the civilian sector; but even these went via the TEA during part of the time during the war and Dr. Mueller without the approval of the TEA would also approve them directly in his enterprise. Dr. Mueller was a member of TEA and there he expressed his own demands for credits at the sessions. In addition, I would like to say that after this conversation with Dr. Bosch, which I mentioned, and which took place in 1930, I was in Troisdorf three or four times and also attended the sessions of the Aufsichtsrat of the DAG to which I belonged as a member or rather I

attended them very infrequently.

Q In the course of this trial, the so-called company for the evaluation of chemical products has been mentioned. This is an affiliated company of DAG which on the order of the Reich produced a number of explosives or rather constructed a number of explosive factories at random. What you said about DAG is that also true about the subsidiary company?

A. Yes, in respect to this company there was no connection whatever with Sparte III, and therefore none through Farben either.

DR. TETTER: Your Honor, in this connection I would like to refer to several documents which have already been discussed in the exhibit of Dr. Schmidt. In the Document Books D/G 1 and 2, which affect the entire Defense; as to the explanation which Dr. Gajewski has just made in answer to our question, I may specifically refer to Exhibits No. 2, 3, 4, and 5, D/G Document Book 1, these are affidavits of leading personalities in DAG who confirm that the statement of Dr. Gajewski in respect to the independence of DAG is correct.

Furthermore, I want to refer to Exhibit 7 in Document Book, DAG 1, in which the former Vorstand member, Dr. Schmidt of DAG, discusses the extent of the information of DAG about the business management of D/G, and finally I have reference to Exhibit 8 in DAG Book 1, in which the chief engineer of DAG states that the company for the evaluation of chemical products, - or rather that the Reich plants built by this company, were to be strictly separated from the D/G business management.

In view of the entire field of explosives and powder, which has been treated here by the Prosecution, I would like to refer to all of the other documents in these two books because Dr. Gajewski himself, according to his own statement, was not competent for this field and therefore has no knowledge of his own about it.

Q. In conclusion, Dr. Gajewski, I would like to briefly discuss other companies which are mentioned in Prosecution's Exhibit 391, which we have just mentioned, and in which Dr. Spruss mentions them as being attached to Sparte III. These are the firms Kalle, German Celluloid factory at Eyllenburg, and the firm Wolf and Company.

What was the relationship between these firms and your Sparte?

A. It was not the same in all cases.

Q. What was the connection with Kalle?

A. There was only a loose connection with Kalle, namely in the

form of an exchange of technical know-how, and in the control of the credit requirements which in the case of larger requests were here and there represented by the representative of Kalle in TBA himself. One can call Kalle practically independent, because the responsible direction of the business manager was taken care of by their own Vorstand, - the Vorstand of this company.

Q. Can you briefly give us the products of this Kalle company? Did it produce armament or what type of products did they produce?

A. Kalle did not produce any armament products. Among other things, it produced the well-known cellophane, which is well known all over the world; it produced a certain kind of paper; it produced also a cheap film which was sensitive to the light, and it also produced an artificial thread which was used during the war to a considerable degree, and it also produced textile auxiliary material in the form of textile derivatives, which were also used for glue, and it also produced the so-called Bizolla. This is a type of wire which was coated with a film and which we know from our prison, and which was very important in the air attacks to replace glass in windows. All of these products were produced with cellulose as a basis.

Q. I think that is sufficient for Kalle.

Can you briefly comment on the German Colluloid Company in Erlenburg? Did it work together with Farben?

What did it produce?

A. This German Colluloid factory as the name already indicates, produced colluloid in large quantities, but it also produced the nitro cellulose which was needed together with it, and which was used or needed during the war as explosive powder, but mainly Erlenburg produced nitro cellulose for colluloid, for film from which the raw materials for the film were produced, and it produced nitro cellulose as a lacquer, in order to produce lacquer, and it also produced raw materials for films. This was delivered by Erlenburg in large quantities to the film factory at Wulfer.

This was the basis for our connection with them. That was the main reason why Eylonburg was formally attached to Sparte III.

Q. In other words, the attachment extended essentially, according to what you say, to the buying of these film materials produced by Eylonburg.

A. Yes, that is correct, and I may add that in Eylonburg, even though it was only 20 to 25 kilometers away from Leipzig or Thifon, I was there only 3 to 4 times.

Q. Would you then please tell the Tribunal in three or four sentences about the work at Richard Schubert, A.G?

A. Richard Schubert, A.G. was a very small textile plant, which the firm had bought eight years ago in order to process the artificial silk produced in Julian into a consumer goods. Of course here there was a closer relationship.

Q. Finally the firm Wolff and Company, have been mentioned. Did the formal attachment of this firm to Sparte III have any effect, practically speaking?

A. The attachment of the firm Wolff to Sparte III happened because of the same reasons which prevailed with the other firms. The Wolff firm, after its powder plant had been abandoned after the First World War, also produced cellophane, but under a different name. "Transparite", and since cellophane is also produced with the cellulose as a basis, Wolff & Company was also formally attached to Sparte. Any kind of technical or commercial relationship was not maintained by us between Sparte and this firm.

Q. Who handled the technical and commercial connections at Wolff?

A. This was the family Wolff, of the so-called Wolffe; they were very difficult people. They were the directors themselves.

Q. I think that is sufficient. Were you not also in the Aufsichtsrat of this company?

A. Yes, with the exception of the Schubert, A.G. I was in the

Aufsichtsrat of all of these companies.

Q. Didn't you exert any influence on these companies via this position?

A. In no way. As an Aufsichtsrat member, I certainly did not. My activities as an Aufsichtsrat member of these companies was merely restricted to the participation in the annual Aufsichtsrat meeting in order to hear their business report, and give approval of their balance on the basis of the reports submitted.

In the case of the DAG, I only took part in these meetings sporadically; as for supervising their business affairs, or even intervening in their business management, that was not my assignment, and this did not take place.

Q We can close this chapter then, and after we have discussed the production, - or after we have completed the production of Sparte, we can only ask you about the most important production field outside of your Sparte which has been submitted by the Prosecution, as a special contribution of Farben to the war machine for aggressive war. I am thinking of nitrogen synthetic fuel, uranium and light metal. Can you say anything about this, from your own knowledge?

A I can be very brief about this. After these matters had already been explained by the colleagues competent for them, or shall be treated by them, since these matters belonged to their field of responsibility and to mine, I could make no statement from my own knowledge about them. I would only like to emphasize very expressly that I know of no expansion in the production of the field mentioned, to serve for the preparation of an aggressive war. I was just as little conscious of that as my colleagues were, to my knowledge. At any rate I never heard from them or from anyone else, a statement to this respect, or to this effect, neither in our common business sessions nor in our private conversations.

Q One final, brief question about this, - about the essential participation of Farben in the production of chemical warfare agents as claimed by the Prosecution. Do you know anything about that or can you say anything about your own knowledge?

A I know no details about it. Furthermore, such matters were to be kept strictly secret, so secret that only the experts competent therefore were informed about it.

Q Thank you. The question about the intelligence and espionage and propaganda service which was mentioned by the Prosecution; you and some of your collaborators were surely frequently on business trips abroad; did you or one of these other gentlemen, ever hear from any agency, or were you ever given any assignment from any agency in the field of espionage or counter-espionage?

A No, neither myself nor, to the best of my knowledge, any of my colleagues.

Q Another question, in its case in chief the Prosecution has maintained that Farben, in order to promote the plans of aggressive war, in the years before the outbreak of the war, systematically undermined or weakened the military power of the prospective enemy states by refraining from giving up any of its know-how contrary to the contracts which it had concluded; furthermore, that it had concluded contracts with the industries of those states, which had as its goal, to impede the armament production in those countries. Do you know, from your own knowledge, about these matters, especially about the contracts with the American firm, about Buna or magnesium?

A As for all of these contracts and their execution, I am only informed about them in outline, but it seems a matter of course to me that the colleagues who were competent for this would comply or did comply with the obligations mentioned in the contracts to the fullest extent, just as I did in the contracts which affected Spate III. On the basis of any remarks or statements, I never had any occasion to assume that they acted differently; any different attitude would have been injurious and senseless to such an enterprise as I.G. Farben which depends on World Trade, and which always exchanged its know-how internationally. It would have been senseless for such a firm, but I would leave it up to the competent colleagues to state their opinion about this, as this has already been done in several cases by Dr. von Meer, Dr. von Knorke, etc.

Q I must now show you Exhibits 1011 to 1014, in Document Book 43 of the Prosecution, English pages 188, 311, 323 and 224. These are the contracts of the Rheinisch-Westphalische Sprengstoff, A.G., respectively of the DAG with the Remington Arms Company, about licensing the tetracene process. According to the claim of the Prosecution, this contract from the year 1929 is supposed to have had the purpose of withholding from the Americans, delivery of tetracene and explosives for military purposes and the same for the British Empire, and to make such deliveries

impossible; thus the British Military powers are supposed to have been considerably weakened in the last war. Can you comment on this claim? Did you know the contracts?

A. I did not know these contracts. I saw them for the first time in connection with the case in chief of the Prosecution, and that is when I read them. As I know now, tetracene is an important explosive, but as I have emphasized before, on several occasions, I am not an expert in this field, and therefore had nothing to do with it. In addition, -- and I want to especially emphasize this, -- those contracts of the RMS were already concluded in 1939, at a time when they were not yet connected with the LSG, because it was only taken into the DAG in 1931.

Q. Thank you. In connection with this question, I would like to refer to several exhibits in DAG Book 3 which have already been introduced in the case for Dr. Schmidt. First of all, I refer to Exhibit 17, Volume 3, DAG page 1. This is an affidavit of one of the inventors of tetracene and this man states that the exclusion of Washington from the British Empire markets, as far as military tetracene ammunition is concerned, was based on a request of the big English chemical firm ICI and this request was complied with by DAG.

Furthermore, I refer to Exhibit 18, Volume II, DAG Book II, pages 5 and 19; in the same Volume pages 33 and 20 and 21; in the same Volume pages 33 and 47.

MR. ALTMAN: If Your Honors please, the witness testified with respect to Prosecution Exhibit 1011 and Prosecution Exhibit 1012. These are the contracts with Remington Rand. Now, as I get it over the sound system I understood him to say that those contracts were executed in 1921, before these companies were affiliated with Farben. I think it is an error because the contract says 1929.

DR. WEYER: And he said 1929.

THE PRESIDENT: We got it as 1929.

DR. WEYER: It was 1929. Yes.

BY DR. WEYER:

Q. Dr. Gajowski, in connection with the question of weakening the power of prospective enemy states you have mentioned the conduct of your own Sparte in respect to foreign competition and the basic attitude of Farben. Can you give me practical examples which show your basic conception about the question of exchange of know-how in the handling of contracts with foreign chemical firms?

A. As long as I was a director of Sparte III, I always saw to it, and I considered it very important, that especially with the competing chemical firms an exchange of know-how would be taken care of. Practically speaking, in all these years beyond the outbreak of the European war, the important processes which had been worked out by Agfa were licensed for American industry, frankly and openly. This is true for the field of artificial fibers, especially in the field of epoch-making invention of nylon, we conducted the liveliest exchange of know-how even under the most difficult circumstances. In the fields of photographic material where we had the epoch-making invention of a very sensitive emulsion, fine grain film, it was so important that we did not even apply for a patent for it in Germany in order to keep

it secret as long as possible. In this field we nevertheless considered it proper to leave this very important product with Agfa in Binghamton, New York, so it could be applied for in its own name in America. Our processes of the color film, too, we put at the disposal of Ansco with all necessary directives, and we always let them know about the progress in this field under the most difficult circumstances. Even in the year 1939, and in 1940 again, I personally made very important stabilizers and sensitizers--rather, I took them to Switzerland in order to make them available to Mr. Pickard and Dr. Rickolin. The transportation of these goods across the border was not simple. As I recall, at the last moment we sent a license to Dupont by telegram for the production of especially high quality viscose material.

Q. In this connection I would like to introduce a document. This is Gajowski Document Book 52 in Book III, page 41, as Exhibit Gajowski 25. This is an affidavit of Dr. Hediger. Dr. Hediger was director of the Patent Department of Sparta III until 1945. He confirms what Dr. Gajowski has just described; summarizing, he says that Sparta III from 1931 to the outbreak of the war with the United States, that is, even after the outbreak of the European war, made available to the American industry all of its more important technical developments without any restriction as to the date or the scope of their use in the U.S.A.

A. Why I say something about this?

Q. Go ahead.

A. I would like to say in addition that when making licenses or know-how available to Dupont in the field of nylon, and in the field of a special silk, the first artificial silk in the world which we had found, Dr. Tor Moor and Dr. Ambros also were in favor of passing on this information without restriction.

DR. WEYER: Your Honor, I am coming now to a new point. Will it be more convenient for us to take a recess now?

THE PRESIDENT: We can take our same length of recess five minutes earlier.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

DR. KATH (for the defendant Dr. Ilgner): Mr. President, I ask permission for my client to be absent from the session tomorrow and the day after to prepare his defense.

THE PRESIDENT: That request will be granted.

DR. SILVER: Dr. Pribilla asked me to make the same application for him on behalf of his client Dr. Jacobs for tomorrow.

THE PRESIDENT: Very well. That request will likewise be granted.

DR. SEIDL (for defendant Dr. Darrfeld): The case of the defendant Darrfeld has no direct connection with the case of the defendant Gajewski. I should therefore like to make the same request for the defendant Dr. Darrfeld for tomorrow and the day after.

THE PRESIDENT: Very well. That will be granted. Why I say, that if we carry such further we won't have any defendants left here. But I guess there is a reason for it.

Q. Mr. President, in my question as to exchange of "know-how" with the United States I should like to refer to Document Gajewski 40 in Book 3, Exhibit 15. That is the affidavit of Dr. Mueller. Under No. 3 he deals with this question. He confirms that in the photographic field there was exchange of experiences of the Ansco Corporation in Binghamton until the outbreak of war. Dr. Gajewski, we have now dealt with the objective facts under Court I. I should now like to ask you briefly a few questions on the subjective circumstances, that is to say, your knowledge of the preparations by the German Government for aggressive war. We have already touched upon this question so that we may be quite brief. The Prosecution concludes your knowledge of the aggressive intention in the trial brief from the knowledge of the Party program and the book "Mein Kampf". They refer to three demands of the National Socialists; the unification of all Germans, equality for Germany and repeal of the Versailles Treaty and the demand for sufficient living space for the German people. Were these three demands known?

A. Yes.

Q. Did you conclude therefrom the intention of the Nazi Government to attain these aims by means of a war of aggression and, specifically did you reach such conclusions on the basis of statements in the press by radio and other proclamations?

A. I have already answered both these questions in the negative. All public statements immediately before the war were in line with the emphasis of the German Government's peaceful intentions.

Q. Dr. Gajewski, you said immediately before the war. Was this not the case even earlier?

A. Yes, it was. Of course, the entire period before.

Q. By virtue of your attitude toward Socialism did you not have reason to distrust Hitler's protestations of peaceful intentions?

A. No, because the openness with which the National Socialists

proclaimed their domestic policies in spite of wide-spread criticism at home and abroad allowed no doubt in my mind that the peaceful intentions which they repeatedly stressed were also honest. I really assumed that Hitler, to use his own words "would not be so crazy as to start a war." Otherwise, I certainly would not have been so crazy in the year 1938 to begin construction of the Landsberg Plant which is only 27 or 37 kilometers from the Polish border and I did not go to Landsberg at the request of any government agency. I went there voluntarily for purely technical and economic reasons. The plant was to be finished in 1941. Credits for this plant were approved by the TEA in August 1939 and in an amount of about seventy million.

Q. The Prosecution has emphasized certain circumstances in this connection, namely, Germany's leaving the League of Nations. Then, of course, the occupation of the Rhineland, the re-introduction of military service and German re-armament. Did these not make you wonder or cause you to become apprehensive?

A. When the National Socialists came to power Germany was completely defenseless from a military point of view and was surrounded by countries which, in spite of repeated assurances, simply did not disarm although all this was set down in the Versailles Treaty. Therefore, I never considered the measures of the German Government which you mention as preparing for an aggressive war but I assumed that the purpose was to attain the absolute essential military protection for such a large country as Germany and such protection is indispensable and I believed that the Druecing Government already made such demands. That is to say, demands for extensive military protection.

Q. How did you look at the incorporation of Austria and the Sudetenland, and of Bohemia and Moravia? Did that make you doubt?

A. No, certainly not. The incorporation of Austria was in my eyes the realization of an honest wish of the absolute majority of the Austrian people. I spoke briefly about this in the beginning of the

examination but, at any rate, the enthusiastic demonstrations after the Anschluss never allowed the assumption that the Austrian people had been taken over by force. There was unparalleled enthusiasm which filled all of Germany too.

Q. And what about the Sudetenland? Can you tell us anything about that?

A. Well, I believed the case of the Sudetenland was exactly the same. This involved the incorporation of districts of German descent and German language. The best proof that these people are Germans is that these three million people have not been expelled from Czechoslovakia as Germans. I had all the less reasons to see in this any compulsion or a step in the preparation of a war of aggression since the incorporation of the territory was sanctioned by the Munich agreement by virtue of the right of self-determination of people.

Q. And now, what about the third, Bohemia and Moravia?

A. According to the proclamations made to the German public at the time, as far as one can recall such things, one had to assume that Czechoslovakia's only purpose was in becoming a military buffer for Russia. The relations between Germany and Russia by virtue of propaganda against Communism were extremely tense at this time. I was furthermore under the impression that the Czechoslovakian President Hacha who signed the treaty creating the Protectorate had decided in this difficult situation for his country, to seek attachment to Germany.

Q. Now, in the fall of 1939 when there was a tension with Poland did you receive information from any source that the German Government was determined, in spite of the assurances to the contrary, to attack Poland?

A. No, I never received any such information.

Q. The Prosecution holds the view that Farbon was responsible for the outbreak of war for reasons of desire for profit and power and for this reason promoted preparations for an aggressive war. What do you have

to say to this assertion?

A. I can only say that on the basis of my conversations with my colleagues I never had the impression that any of them had any such tendencies any more than I did myself. In my eyes this would have been completely absurd. An enterprise like Parbon which was to a large extent an export company and which in many, many fields had a large exchange of experiences and had contacts with foreign firms could never release a war, that the war could only interfere with its developments. This was shown by developments after the first World War and those developments had proved this to all of us.

Q What can you tell us in this connection specifically with respect to your personal work in Farben?

A As far as my personal work in Farben is concerned, it served, as I have already said, purely peaceful purposes. When in 1928 I came to Agfa, I was confronted with big problems, both of an organizational nature and of a technical nature. Agfa was an enterprise which required a complete reorganization from the ground up. I devoted myself to this task enthusiastically and saw herein my life work. I found big problems of a technological nature. Bosh especially gave me the assignment to expand artificial fibers, which was in its beginnings, to a big product. One must not forget that for a chemist this problem was extremely difficult because artificial fibers were to compete with a very, very cheap product: cotton. Cotton is so cheap because it is created by the sun, and now the chemist was to take up the competition with the sun's energy. But chemistry is the science of changing substances, and why was I to be any different from my colleagues who had such big and glorious tasks in other fields? So I assumed this study, and I believe I can say that I solved the problem of artificial fiber.

But there was another wonderful task, and that was the creation of color film. The longing of humanity since the origin of photography has been to record life and events in color. Tens of thousands of patents have been issued and two or three generations have been working on the problem. There are color film processes, but they can be carried out only in a most complicated way. I may remind you of technicolor. To produce a technicolor film, one must proceed as follows. When one takes a picture, this is done by making three pictures simultaneously in technicolor: one through a green

filter; one through a red filter; and one through a blue filter. In this way I got three films. From these three films, I make black-and-white prints. From these black and white positives, I go to a special film which has no silver but which has a special preparation, gelatino-chromium, and again I have three films. Up to now I have nine films. The last three films are now colored by machines in the colors red, blue and green. Then with admirable care and accuracy, they are printed one on top of one another on one film. This gives us a color film which is known throughout the world as technicolor.

This is not a photo-chemical process. Our problem was to find a film which did not require such preparation. This film which we had in mind was to be used in any camera. It was not to require the movie operator to use special apparatus and to take recourse to a different firm and another expert to make his pictures. This process had to be of such a nature as if I were working with an ordinarily black-and-white film so that any amateur could use it with any camera. But I wanted to go even further. I did not like to be satisfied to record the beauties of life and see this beauty only in a film in a dark room. I want to be able to look at the picture in daylight. I want to be able to look at the picture of my child, or some game, or the fish that I caught, in color, to see it in all its beauty. We wanted to create such a film, and I may anticipate the answer, we succeeded.

According to this process, one could use any camera and take pictures just as with a black-and-white film, and when the film has been exposed, one goes with it to the developer and then one gets a colored negative. It would be going too far to explain that this colored negative is in the

opposite colors; that is to say, a red mouth will look green. But if I put this colored negative on a paper which is prepared in the same way as the film, I get a colored picture. I want to remark once more that this problem was solved and was successfully solved, and it made me very happy and very proud to see the reports of the American experts that this process was the best process in the world.

Q Dr. Gajowski --

A I want to say very briefly that if you ask me whether I believed in a war and such things, I just want to say that I would never have welcomed a war any more than my colleagues. Every one of us had set himself a splendid goal for his life's work, and my work was just as fine as that of my colleagues. And now, in my 62nd year, the war destroyed all my life's work. No, I could never welcome a war.

Q Thank you. We have now concluded Count I of the Indictment. I should like to ask Dr. Gajowski some questions about Count II of the Indictment regarding plunder and spoliation. The prosecution has brought forward a number of cases which are cited as plunder and spoliation; for instance, the requisition of the Skoda-Wetzlar plant, the Messig-Falkenberg plant, the three Polish dye-stuff factories, Nordisk Lettactell, Norsk Hydro, Francolor, and so on. I should like to ask you first of all, on the basis of the prosecution evidence in this connection, were you able to observe any of these cases falls in your sphere and whether you can tell us anything about that or whether you can tell the Court anything from your own knowledge.

A I can only say "no", and I can add that these transactions were all outside of my sphere.

Q Thank you. Then you were not involved in the negotiations in this connection?

A No, neither I nor any of the Agfa men. I knew of these negotiations only in general as they were discussed in the Vorstand, and in the Ton.

Q In this way or in any other way, did you learn anything which could have given you the impression that any of these transactions was a case of so-called plundering, or to express it more simply, that Farben was doing something wrong?

A No; as has been said repeatedly, there was such a high degree of confidence among the various Vorstand members that I was able to rely on that to a large extent.

Q In connection with the treatment of the so-called "New Plan" which Farben prepared for the Reich Ministry of Economics, the prosecution has introduced, among others, Exhibit 1052, Book 51, Part 1, English Page 199, German Page 67. This is a report of the head of the Economic Policy Department about a conversation which he had in the Reich Ministry of Economics on the occasion of the handing over of the German part and the part of France of this plan. It says that, "In the opinion of the Reich Ministry of Economics, the Americans are to be removed from French production." As an example, there is cited the photographic firm, Kodak-Patho, a subsidiary of Kodak in Paris. Did Sparto III, or the sales combine of Agfa, give any suggestions to this effect or take any steps in that direction?

A I know nothing about that. On the contrary, we saw to it that Kodak-Pathe was able to continue to work.

Q Can you explain that a little?

A It was in the Fall of 1940 or the spring of 1941. I am not certain about that -- when my colleague Otto asked me to go to Paris with him, and Director Feindel was there too, the head of photo exports. There were negotiations regarding the exports of Agfa to France and the delimitation of the mutual interests on the French market which were to be discussed with the Kodak men. These negotiations took place in the most friendly manner possible. Kodak-Pathe was in a very difficult position at that time. The plant was in danger of being closed because of a lack of coal. At the suggestion of the Kodak men, by intervention with the economic staff of the German Military Government, we saw to it that the firm got coal again so that it could continue its production. I went to the economic staff personally and talked to Dr. Kolb there.

Q These are all my questions to Count Tey. I should like to offer three documents in this connection.

First of all, Gajowski Document 11, Book 1, Page 58, as Gajowski Exhibit 25. This is an affidavit by Mr. Feindel whom Dr. Gajowski just mentioned as having accompanied him on this visit to Paris. Mr. Feindel confirms that it was because of the Agfa gentlemen's support and intervention with the German government authorities insuring the coal supply and by that Kodak-Pathe was put in a position to continue to work.

Document Gajowski 53 in Book 3, page 46 will be Exhibit 27. This is additional affidavit of Mr. Feindel regarding the document just introduced and he says that the agreements reached during this visit constituted a confirmation of an agreement of the year 1938. He describes these agreements in detail.

As Document 54 in Book 3, Page 50, Exhibit 28, I offer a statement of the Gevaert firm, the biggest European competitor of Agfa in the photographic field. This statement is signed by the two chief directors and is dated 9 February 1948. It confirms that during the entire war, Agfa maintained a loyal attitude to the Gevaert firm and exerted no influence on it.

This completes the examination and the presentation of the documents on Count Two of the Indictment. Dr. von Metzler will continue with the questions on Count Three.

BY DR. VON METZLER:

Q Dr. Gajowski, I shall now discuss with you Count Three of the indictment in which Farben is charged primarily with participation in the execution of the so-called slave labor program. By way of introduction I should like to ask you, did you personally know of the compulsory commitment of foreign labor in Farben plants as contended by the prosecution?

A This question cannot be answered so simply. In our plants we had workers of many nationalities. At the beginning of the war, and even earlier, there were many workers of Slovakia, Bulgaria and the Sudetenland. These people, no doubt, came to Germany without the use of force. They were recruited and came voluntarily on the basis of quite normal hiring conditions. Some time after the end of the campaign in Poland, the first Polish workers came to the film factories. I believe it was in May 1940. I, at least, did not know at that time that these workers had been brought to Germany by force and, of course, the public was not told anything to this effect. Later, however, it was said that Polish workers came to Germany on a non-voluntary basis.

Q Since you are just speaking of Polish workers, how about the Russian workers, the so-called Eastern workers?

A That was really just the same as with the Poles.

Q Dr. Gajowski, you have just spoken about the Poles and the Eastern workers. Did you know that these workers - that is, the Poles and the Eastern workers - were subject to special legal provisions regarding their work in Germany?

A Yes, of course, I did know that. There were special regulations regarding payment, food, guarding, and industry had to observe these regulations. Therefore, there were repeated checks by labor commitment authorities.

Q Now, these regulations that you spoke of - were they maintained

unchanged until the end of the war?

A No. In the course of time restrictions were made much less severe. For instance, the food rations were improved quite aside from the fact that we had earlier given additional food on our own and brought improvement in this way. The wages were increased and toward the end of the war it was permitted to pay the Christmas bonus and at a rather early date the restrictions on the movements of the foreigners were repealed.

Q Now, you have been speaking about the Eastern workers. What were the conditions with the Western workers, if I may call them that?

A The Western workers were at first also volunteers. They came on the basis of voluntary contracts. Later I learned that in the occupied Western territories labor service had been introduced officially for the purpose of work in Germany. At the moment, I do not recall the exact time.

Q What did you personally think of such labor service? What was your attitude?

A For the people concerned, work in Germany or separation from their homes and families was, of course, a hardship.

Q Dr. Sajowski, do you know or were you ever under the impression that Farben took any initiative in this connection or that it worked on its own toward getting foreigners to work in its plants on a compulsory basis?

A No, never. I never had such an impression. I personally, and, as far as I know, all my colleagues, always tried, as far as possible, to keep the old German workers and to recruit additional foreign workers on a voluntary basis.

Q. In the field of your own Sparte, now, did you take any steps of your own to recruit voluntary foreign workers?

A. As far as I can remember, yes; in 1939 there was a serious shortage of workers in the film factory. The Labor Office of the Provincial Labor Office suggested that foreign workers be recruited, free workers be recruited, in the occupied territories, and in the so-called friendly neighbor states: Slovakia, Bulgaria, Hungary and so forth. In these countries there was in part great unemployment. I believe it was as early as 1938 that the labor commitment administration approved the film factory issue of a quota of labor which our representatives recruited in collaboration with the labor commitment administration in Slovakia and the protectorate, Bohemia, Moravia, and the Sudetenland.

Q. Now, did you create facilities of your own abroad for this purpose?

A. Yes, my technical main department of Sparte 3 had four schools for skilled labor set up abroad.

Q. Will you please explain to the Tribunal in more detail?

A. In Copenhagen, Brussels, Paris and Sofia in Bulgaria we set up workshops. We rented the rooms for these workshops from firms there and and equipped the workshops with the necessary machines and equipment. I emphasize that these machines and equipment, all facilities, came from Germany and were bought and paid for by us. The firms in these cities recruited the people and signed contracts with us. The contracts were extremely favorable and I should like to point out especially that the wages paid to these people were considerably higher than those of the Germans so that when these people came to Germany we had great difficulties with our own skilled labor.

The applications for these schools were very numerous because this constitutes an evasion of the Sauckel action. These people were not conscripted but they had an opportunity to volunteer and they received very good training free of charge and then became skilled workers, and there is no doubt that very many of these people are grateful to us today because

they were unskilled labor earlier and today they have a trade. We had very good experiences with these people and I may mention something else.

The people took advantage of these facilities to get around the Sauckel Action. They liked to accept the training; they liked to join; and when they had finished the course then they disappeared and didn't come to Germany--but they had escaped from the Sauckel action. There were a large number of those and I may add that the training of an individual worker cost us 3½ to 4 thousand marks on the average, before the workers started to work for us.

Q. Thank you. You said, Dr. Gajewski, that from a certain time on you were aware that workers were being conscripted for work in Germany and now you also said that you considered this a hardship on the people concerned. Now, did you do anything to eliminate or reduce the employment of such compulsory labor in your plants?

A. Yes, of course; I proceeded in this case just as my colleagues did. In a chemical plant and especially in a photographic plant which is so sensitive and where one has to work in dark rooms and be extremely neat, it is very important to keep the old German workers. Therefore, we were always going to the labor authorities and asking them to give us German workers but, because of circumstances, our success was very slight.

The conditions on the German labor market became more and more difficult because of the number of men being drafted. In the film factory this was especially noticeable since, first of all, in central Germany there was enormous expansion of industry which had much higher priorities than the products, films and silk.

Q. Dr. Gajewski, I should like to ask you: could you not have refused the foreign workers who were assigned to you, perhaps saying, "I won't employ any people who are conscripted?"

A. That was impossible. We had definite government production orders and they determined the extent of our production. As a plant leader I was responsible for filling these orders. I was personally responsible

since, in spite of our objections, the labor offices did not give us enough German workers. There was no other choice but to accept foreigners; otherwise, because of lack of workers, we would not have been able to fill our production orders.

Q. What would have been the consequences if you had refused such workers and had not been able to fill your orders?

A. Such refusal would have automatically have brought about a reduction of my production and since I was the cause by my refusal, this would have been interpreted as sabotage, according to the War Economy Regulations--this has been said often enough here--there were severe penalties for this. Therefore, I was in a difficult position.

Q. Dr. Gajewski, you just said that by refusing such foreign workers you would not have been able to fill your production orders. Can you tell us how many workers you employed at Wolfen altogether?

A. About 11 to 12 thousand workers were employed at Wolfen.

Q. And how many foreigners did you have, on the average?

A. Among these, there were 11,500 workers towards the end, I believe there were about 4 to 5 thousand foreigners.

Q. You mean to say that about half of the workers were foreigners?

A. About half, yes.

Q. So that the quota of foreigners was actually essential for filling its production orders?

A. Absolutely.

DR. MEYER: May I ask the interpreter to translate the word, "Zwangslage"? I believe "difficult position" is too weak.

THE INTERPRETER: "Emergency," "under pressure"?

DR. MEYER: Yes. I believe "necessity" would be even better. Thank you.

Q. Dr. Gajewski, you were just speaking of general considerations which made it impossible for you to refuse to employ foreign workers. Now, in your personal case, were there any further special considerations which would have made such a refusal all the more impossible?

A. Yes, there was something else. I said at the beginning I had repeated clashes with the Party and also I had had some contact with the Gestapo. Therefore, I had to be especially careful. I had to fear that conduct which might be interpreted as sabotage of government measures which would involve the most serious consequences for me. I mean to say that the emergency in which every German industrialist found himself was even more acute for me, because of my special circumstances.

Q. Dr. Gajewski, did you attempt to do anything about the hardships which you saw in the employment of foreign conscript labor by taking some measures in your plant?

A. Yes, that was a matter of course, in accordance with the tradition of all of Farben; I insisted on good and just treatment of the foreign workers employed in my Sparte. I also gave directives to the managers of my individual plants.

Q. Dr. Gajewski, I will come back to these things. Now I want to show you something. This is Prosecution Exhibit 1329, Document Book 68, English page 90, German page 109. There you are mentioned as a participant in the so-called plant leader conferences of Farben, at which questions of social welfare of the workers were discussed. Now, at these conferences, did you ever hear anything from anyone present which might have justified a suspicion on your part that the foreign workers in the other Farben plants were treated in the way described by the Prosecution?

A. No; such questions were hardly discussed at all at the plant leader conferences, and if they were discussed, I always had the conviction that my colleagues were just as much in favor of decent treatment of the foreign workers as I was in my sphere.

Q. In connection with Count 3, the Prosecution has brought up the employment of concentration camp inmates, especially at Auschwitz. First of all, did you know of the employment of concentration camp inmates at Auschwitz?

A. Yes, I learned of it at a TIA meeting.

Q. The Prosecution contends that in selecting Auschwitz as the site of a plant, the fact that the Auschwitz concentration camp was near by, played a decisive role because of the possibility of employing inmates. Now, as a member of the TIA, on the basis of the statements made there by your colleagues about the construction of Auschwitz, or in the Vorstand, did you get that impression?

A. No. According to my definite and certain recollection, this was not a reason for choosing Auschwitz, but the only reasons were purely technological. I remember very well the report of Dr. Ambros describing with the same enthusiasm as he displayed here that these were the only reasons, the water conditions, chemicals in the form of salt, lime, coal, the level terrain, and so forth.

Q. Dr. Gajewski, as you know, the Prosecution asserts that the

concentration camp inmates employed at the Auschwitz plant were mistreated. First of all, let me ask you this. Were you yourself ever at Auschwitz?

A. No, I was not.

Q. - You were not in Auschwitz. In meetings of the TNA, or the Vorstand, or in any of the plant leader conferences which we have just referred to, if Auschwitz was discussed, did you learn anything that might have aroused in you a suspicion of mistreatment of concentration camp inmates?

A. I never heard anything to that effect at any of those meetings.

Q. And no—

A. That is unthinkable.

Q. And not from conversations from your colleagues?

A. No, not from conversations with my colleagues either, never.

Q. The Prosecution has also submitted that you and the other defendants allegedly knew that in concentration camps, quite generally there were selections for the purpose of gassing. Did you know anything about that at the time?

A. I can state with certainty that I heard of that for the first time after the war via public announcements.

Q. Did you ever hear of "Zyklon-B" in this connection, as a product which was used for this purpose?

A. No, I did not know of that. I heard the name "Zyklon-B" for the first time during this trial.

Q. The Prosecution also asserts that all defendants allegedly either participated in or knew of experiments for the purpose of testing pharmaceutical preparations, experiments which were carried out on human beings who had not given their consent, particularly concentration camp inmates. Now, Dr. Gajdick, did you ever learn anything of this nature from any meetings or conferences or in any other way?

A. Again I can answer with a definite no; I cannot imagine any such thing.

Q. Very well. I now come to the employment of foreign workers and concentration camp inmates in the plants of your Sparte. First of all I should like to go into the subject of concentration camp inmates, and put to you in this connection Prosecution Exhibit 1401, in Book 71, English page 13, German page 15, referring to the employment of female inmates from the Ravensbrueck camp in the Wolfen film factory.

Dr. Gajewski, will you please tell the Tribunal now, according to your recollection, it came about that these concentration camp inmates were employed?

A. First of all, I should like to say that I never endeavored to obtain concentration camp inmates. As I recall, it was like this, in 1943 a higher officer of the SS came on behalf of the camp administration of the Ravensbrueck Concentration Camp. I do not recall the exact time, but it was probably in the spring. This SS officer approached my associates about giving female inmates full time work in the film factory. Representatives of the DAF were also present, by the way.

Q. Excuse me for interrupting you. Would you please explain what the DAF was again, for the Tribunal?

A. The DAF was the institution, the German Labor Front, which claimed for itself the right to take care of the social interests of the workers.

Q. Please continue with your description.

A. When this commission was at Wolfen, I was not there, but my associates told me about it. Up to that time we had had no concentration camp inmates in my Sparte. Now, we had had extremely great difficulties in filling our production orders for artificial fibers; we simply did not have enough workers any longer, and we were constantly negotiating with the labor commitment authorities.

Q. Dr. Gajewski, how do you explain the fact that the Ravensbrueck concentration camp authorities went to your plant?

A. We wondered about that at the time. I can only explain it by the fact that the camp administration wanted to put its inmates into industry and therefore got in touch with the various labor commitment authorities in order to find out where there was an urgent, unsatisfied need for workers. No doubt the camp administration learned in this way that we had such an urgent need.

Q. Now, was there any connection between the Film Factory and the concentration camp administration?

A. No, we never sought such a connection in order to obtain workers.

Q. Dr. Rajewski, could you refuse these concentration camp inmates who were offered you?

A. No, simply because of the emergency situation which gave me no choice but to employ these workers. The commission -- or rather, put it like this. The commission had made a tour of inspection through the plant and discovered that there were so many openings for concentration camp inmates that the conditions existed for the employment of concentration camp inmates, as provided for by the SS regulations.

Q. What was the form of this work to be, according to the SS regulations?

A. The work was to be in groups and separated from other workers, whether German or foreign, in closed rooms.

Q. Thank you, that is sufficient. Thank you.

A. After the Commission had looked the situation over, I had no reason to make such a refusal or not to testify it. On the other hand, we urgently needed workers so that if I had refused the workers, this would have been reported to the labor commitment authorities and I had to expect that, because representatives of the DAF were present. That would have increased the difficulties which I had, anyway, with the labor commitment authorities, for I always had to consider that I had to fill my production order and that I was responsible for it.

Q. Would there have been any personal difficulties for you?

A. Of course, in view of the situation that has already been described. I had had dealings with the Gestapo, I would have had to expect personal difficulties.

Q. What was the general situation at that time in regard to industrial production?

A. At that time, in the spring of 1943, there was a very tense situation in Germany. It was just after Stalingrad, the disaster of Stalingrad. At this time, all German industry was required to make the greatest exertions and the word "sabotage" was the order of the day.

As I have already reported, it was because of "sabotage of the autarky program" that I was reported to the Gestapo and I was accused of sabotage. Consequently, I personally was in an especially dangerous position, so that for this reason I simply could not afford to refuse these inmates without good reason. Now, there was another very, very important factor. At that time already at the beginning of 1943, there were the first signs of the falling-off in production of chemical fibers, and this had to be stopped under all circumstances. Unfortunately, this was only partly possible.

Q. Dr. Gajewski, since you have described the position in which you found yourself at the time to the Tribunal, I should now like to ask you about some further details of the employment of the concentration camp inmates. How many inmates were involved?

A. It was my endeavor, because of the peculiar circumstances in the artificial silk and photo industry, to keep the number of concentration camp inmates as low as possible, and although we were offered many more inmates, we decided, as far as I recall, to accept about 400 at the most.

Q. May I ask again what the total number of employees was?

A. About 11 to 12,000.

Q. Did you take over these inmates all at once?

A. No. At first, we took only part. As far as I recall, there were 200 to 250. The rest were taken over later. The total of inmates employed varied and, according to my recollection, amounted at the end to only about 225, at any rate, never more than 400.

Q. Now, did you see these female inmates, at work in your plants?

A. Of course, I saw them, in my tours through the plants. They worked just like the other workers and as I frequently inquired, they were in every way quite satisfied with their work. They considered it an advantage to be able to work for me at Wolfen instead of living in the concentration camp. They looked quite normal and were in a normal state of health.

Q. Why I ask you in this connection: what was the nature of the work which these inmates did at Jolien?

A. The nature of the work was easy. In artificial silk, as well as in photographic production, there is no heavy work, what is generally meant by heavy work. I don't know whether I have said it, but I may point out that these inmates that I had were all female inmates. They did their work in closed rooms where the German girls and women had worked earlier. They worked in the silk throwing mill, where the rayon was twisted, and sewed the filter cloths. They worked in the viscose station and sewed the cloths on to the filter frames. Most of them did their work sitting.

Q. Dr. Gajewski, did I understand you correctly, had women done this work before, German women?

A. Yes, they worked in the same place where German women had worked before. As I said before, they were sewing.

Q. Now, how were these inmates housed?

A. They were housed according to provisions in a special camp which was arranged exactly like the other camps. The rooms were exactly the same. I had refused to make three-tier beds, there were only double-tier beds just like the other camps. There was a modified barracks and it was of massive construction in this case.

Q. Dr. Gajewski, under whose charge was this camp? I am referring to administration and supervision, guarding.

A. This camp, like all such camps, was exclusively under the SS and there were SS guards there. I may remark that the guards were older SS men; I believe there were four or five, other wise the guards were female.

Q. Did you or your associates have any opportunity to exert any influence on the treatment and administration of the camp?

A. No, I did not, but we did see to it that these people, these women, were in good condition. I may add that the food was cooked by

us in a special kitchen in a different camp which was next to it.

. Could you enter the camp, you or your associates?

.. No, only with a special pass. I myself was never in it.

. Did you know anything about mistreatment of the inmates by
German employees or SS members at this time?

.. No, we never had any complaints. I myself did not notice
anything and my associates never told me about any such thing. But two
or three times we did hear -- or I heard only two or three times that
relief was requested for the female SS guards. This was not because of
mistreatment, but these SS supervisors were guilty of misconduct, ir-
regularities. I believe one of them had stolen some filter cloths
and wanted to induce the concentration camp inmates to do the same.
We interfered, we reported this matter and this woman was withdrawn.

DR. WIL EITZLER: Mr. President, I had in mind to introduce now
the exhibits, but if this would be a suitable moment for recess, I can
do that tomorrow.

THE PRESIDENT: I think we are just about to hear the end of the
sound ribbon, and we had better recess at this time until 9 o'clock
tomorrow morning.

(The Tribunal adjourned until 3 March 1948 at 0900 hours.)

Official Transcript of Military Tribunal VI
in the Matter of the United States of America
against Earl Krauch, et al., defendants,
sitting at Nurnberg, Germany, on 3 March 1948,
Judge Curtis G. Shako, presiding.

THE MARSHAL: Persons in the Courtroom will please take their seats.
The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please your Honor, defendant Haefliger is
absent due to illness. Defendants Mann, Jachms, Ilgner, Duerrfold,
Gottineau and von Schuiteler are excused by the Tribunal.

THE PRESIDENT: Any announcements?

MR. DIX: Dr. Dix, for Dr. Flaschner and Dr. Buotofisch. The
defendant Buotofisch has just told me that he was to be excused from
court attendance for this week, but he has been brought here by mistake.
I ask in his name that he be taken back to work on his case.

THE PRESIDENT: Will the Marshal please arrange that Dr. Buotofisch
may be returned. Anything from the Prosecution?

MR. SPEECHER: Nothing, your Honor.

THE PRESIDENT: Then the counsel for the defense may continue.

ERIK GAJOWSKI (continued)

DIRECT EXAMINATION (resumed)

BY MR. VON MEYER:

Q Mr. President, I am going to produce now two exhibits. I am
offering in evidence Gajowski Document 30 which your Honors will
find in Gajowski Book 2 on page 39 and which go in a Gajowski
Exhibit 29. This is an affidavit by Earl Haefliger who was manager
of the cellulose plant of the Film Factory Wolfen during the war on the
working and treatment of female prisoners of the Ravensbrueck Concentration
Camp. The witness tell us that these prisoners did no heavy work and

were free every fifth day, that their food was not worse than that of the German workers and that they were on good terms with the German advisory personnel. I am offering next in evidence Gajewski Document 13 which can be found in Gajewski Book 1 on page 62 and which may be marked as Gajewski Exhibit 30. This is an affidavit of Dr. Hans Porachmann, appointed Welfare Officer for the Works Combines Berlin and Central Germany as successor to Mr. Joorre, the witness whom we are going to examine thereafter. The witness testifies about the general attitude of Dr. Gajewski towards the foreign workers which aimed at making life for them as pleasant as possible. The witness furthermore deals with the employment of Ravensbrueck concentration camp inmates in the film plant and I may quote the following significant sentence dealing with this subject:

"Dr. Gajewski was extremely displeased at having to take prisoners into the plant and he would have preferred it, had it been possible, to refuse to take them. It was entirely due to the shortage of workers that he did not object to negotiations between the security officer and the SS Camp Administration at Ravensbrueck on the employment of prisoners in separate departments of the film factory, the decisive point being that the directorate and the factory were responsible neither for feeding nor for supervising the prisoners. Nevertheless, additional supplies of food were procured for the prisoners by the factory on Dr. Gajewski's orders. But in the discussions of the question in meetings of the Directorate Dr. Gajewski turned down the request of the SS Camp Administration authorities that the film factory should supply suitable men from amongst its employees to guard the prisoners."

And the witness Porachmann summarizes his statement by saying:

"I know that Dr. Gajewski was responsible for that - namely for the good treatment of foreign workers - who saw in every foreign worker first and foremost a human being, irrespective of his nationality who was entitled to be treated humanely."

As for the rest of the document speaks for itself. I shall continue

now with the examination of the defendant.

Q Dr. Gajowski, I just submitted an affidavit by Dr. Porschmann as Gajowski Exhibit 30 and I have read a sentence from this affidavit referring to your conduct when the concentration camp inmates were brought into the plant. Did you understand what I read in English or do I have to repeat this in German?

A Thank you but I have learned enough English in the meantime to understand it.

Q I beg your pardon, Dr. Gajowski, I am just asking to make sure. Will you please comment briefly on this sentence from the Porschmann affidavit about your attitude to deal with the concentration camp inmates?

A From what I said yesterday one can see that I did not at all welcome the employment of these inmates. Actually I did not like the idea at all and besides, the people not only included persons who were prosecuted for political and racial reasons, but also criminal elements. On the other hand I believed that it would be better if these poor people could get out of the camp and work in an industrial enterprise like a mine because, after all, it is better for a prisoner to have regular work like that had at our plant rather than to sit in a penal camp.

Q Dr. Gajowski, the Porschmann affidavit says that you refused to be responsible for the supervision of these inmates. What were the reasons for that?

A The reason why I didn't want to be responsible for their supervision were as follows: as I said there were criminal elements among them, and in case of attempted escape or any incident I would have been held responsible. For this reason I refused to supply the guards. This point was negotiated between the SS Officer or the SS Camp Administration, I don't remember which, and the Abwehrbeauftragter. On this occasion it was also discussed that the prisoners were to be employed in groups because the SS wanted this for reasons of security. Of course, I did whatever I could to improve the lot of the prisoners. I need not point

out again that they had a very good camp. I mentioned the minor circumstance that they had double-tiered beds instead of triple-tiered beds and I saw to it as well as I could that they got additional food.

Q Now, I have one question for clarification, Dr. Gajewski. In the Prosecution Exhibit 14C1 which we have already referred to, the concentration camp Buchenwald is mentioned. Didn't these people come from Buchenwald or what about that?

A No, they came from Ravensbrueck. As far as I recall, the SS Camp Administration later attached them to the concentration Camp Buchenwald.

Q Now, I want to discuss the employment of foreign labor in the Wolfen Film Plant. The Prosecution has introduced evidence on this subject. Can you first of all tell me how this employment of foreign labor came about?

A The film factories, even before the war, had great difficulties in filling its need for labor, men and occasionally women. We tried all sorts of social welfare measures in order to do away with the scarcity. I should like to say one of the most important was that we built settlements to settle workers permanently, and in 1937 the camp community Marie was founded with accommodations for German workers. Even before the war we had a great scarcity of labor.

Q And what was the effect after the outbreak of war?

A Naturally the circumstance became more acute after the outbreak of war. There was the draft which had an especially bad effect on the film factories because it wasn't an armament plant and not a Gobechem plant. We had a low priority number and our people were taken away first. Consequently, the possibility of holding on to our old workers and keeping them out of the draft was very small. Moreover, Wolfen was a Central German District which had been strongly industrialized in the course of re-armament.

Q Dr. Gajewski, you said just now you were not an armament plant and not a Gobechem plant. What was the effect of the general war

situation in your production? Did you have any obligations to fill certain production orders? What was your situation?

A Yes, of course. We had no priority but the production orders had to be filled just the same and often we were told by the Government Offices, 'you don't have any priority but it will be too bad for you if you don't fill your production.' I have heard that more than once. I could give you some examples, if you want.

Q What was the proportion of female workers in the film factory?

A It's a typical and characteristic for the industry of artificial silk and of photographic chemicals and photographic supplies that a large proportion of the workers have to be women. In peacetime forty to forty-five percent of our workers were women.

Q Now, Dr. Gajowski, what were the chances of getting female workers during the war? Wouldn't there plenty available?

A One might almost say women were just as rare as men, but for different reasons. Soldiers were drafted but in the case of women the situation was different. The war was not popular in the hearts of the German people. Consequently, there was no volunteering on the part of the women. Women should have been employed in the war to an entirely different extent than was actually the case, especially if it's a total war. But there were other reasons, too. The soldier who went to the front knew that his wife would be taken care of. She was given good support by the Government. In many cases this was supplemented by funds contributed by the firm. A woman had her money just as before and did not need to work. Also, war marriages are very easily concluded during the war. Certainly if a woman was married one day and her husband went to the front on the next day, then she had an income, since she got his army allowance.

Q Now, what about the drafting of women into the Wehrmacht?

A That was another reason. A whole year-group that is the 18-year-old group, was lost by the fact that the women were called into the Labor Service, the RAD, the Reich Labor Service. In the Reich Labor Service a woman had to spend six months working in agriculture and six months working in industry. One didn't get those women at all very rarely. I got 61 and they were entirely unskilled workers and after six months they were gone again. This War Auxiliary Service later didn't go into industry any more. The second six months those girls spent in the Luftwaffe as Luftwaffe assistants. There were plenty of reasons why there were not any women available.

Q Witness, what was the effect of the circumstances that you have just described on the employment of women in your plant after the outbreak of war?

A A very difficult situation arose because the allotment of workers by the authorities depended upon the priority of the production but the priority during the war was held by the armament industry and in the case of chemistry the Gotochem plants had the first place.

Q Dr. Gajewski, yesterday you described the measures taken for the recruiting of foreign workers on a voluntary basis. Was it not possible in this way to solve your difficulties?

A That was completely impossible. It wasn't possible to get enough workers through private recruiting. What we got on our own was primarily the skilled workers who we trained in our trade schools. The main scarcity, however, was in the mass of average workers and we never could satisfy that demand.

Q How were the workers whom you needed assigned to you after the outbreak of war? How did you get those workers, just generally?

A They were assigned to us by this Labor Commitment Authority, only through official channels. The plants had to report its requirements to the local Labor Office, at Wolfen - Bitterfeld, and these reports had to be passed on with a confirmation of the priorities to the competent authorities. The Labor Office then assigned the necessary workers to the

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individual plant as far as they were available. Since because of the circumstances just described there were not sufficient numbers of German workers available, the first foreign workers were assigned to us, I believe, about the middle of May. The proportion of foreign workers was very low in the beginning. Of course, in the course of years, 1940 and 1941, it increased very strongly and reached 40 to 45 percent.

Q Dr. Gajowski, did I understand you clearly to say that the foreign workers, too, were assigned by the Labor Office?

A Yes, of course, they were assigned by the Labor Office, too. It wasn't possible any other way.

Q Did you not attempt to reduce the numbers of foreigners employed in your plant?

A Of course, I did that. Everyone of us did that. I personally more than anyone went not only to the Local Party Office but I talked to the Chairman of the Labor Front. Also I talked to the head of my Social Welfare Department and instructed him that everything possible had to be done to get as large a number as possible of German skilled and unskilled labor or to keep them.

Q Dr. Gajewski, you have already said that you personally were against labor conscription for foreigners and that you tried to improve the situation of these people by insisting on good treatment. First of all, I want to put to you Prosecution Exhibit 1399, Book 72, English Page 1, German Page 1. This is a circular letter from the head of the social welfare department for the Werke-Combines Berlin and Central Germany, asking for an opinion of the Reich Group Industry or the Reich Chamber of Commerce dealing with violations of labor contracts by withdrawing rations from eastern workers. Do you have this document?

A Yes.

Q You are acquainted with the contents of this document?

A Yes.

Q What do you have to say about it?

A I should like to say the following. I did not remember this circular letter when the prosecution submitted it. I am convinced that this is only one of the regular reports of Perschmann's office to the plants of the Werke-Combines Berlin, that is the plants in my Sparte, as well as the plants of the Werke-Combines of Central Germany. This was a circular letter that was sent to us and was passed on to the individual plants for their information. I can say with certainty that I do not recall that the question of reducing rations for disciplinary purposes was suggested by us to the Reich Chamber of Commerce or the Reich Group Industry, or that there was any definite incident which was the occasion for this circular letter.

Q Mr. President, I am putting in now another Defense Exhibit. I am offering in evidence Gajewski Document 25, which Your Honors will find in Book II, on Page 21, and which may go in as Exhibit 31. This is an affidavit of Dr. Hans Perschmann, former welfare adviser for the Werke-Combines Berlin and Central Germany, concerning Prosecution Document NI-11063, Exhibit 1399, which I have just put to the defendant. Perschmann

states that contrary to the viewpoint of the prosecution, no inquiry whatsoever was made by any of the I. G. Werke-Combines on the admissibility of cutting rations of eastern workers for disciplinary reasons. The circular introduced by the Prosecution, therefore, is no reply to such an inquiry made by I. G.

Q Dr. Gajowski, I want to put something else to you in this connection. I refer to the first exhibit which I offered on your behalf which is on Page 1 of the Gajowski Document Book. On Page 8 of this book, this is the report of Dr. Nings of 26 September 1939 to the Gestapo against you; on Page 8, the accusation is made that you were against social measures of the German Labor Front. What do you have to say about this accusation? You have just said that you were interested in the welfare of the workers and especially the foreign workers and were a person in favor of such social measures, if I understood you correctly. Is there some contradiction there?

A You understood me correctly, but this informer mentioned everything that could bring suspicion on me. I am not an anti-social person. I never took any anti-social measures or tried to prevent social innovations. I will give only two examples. If I remember correctly, he said that I made the children's supplement very low, but he failed to add that there was already a very large children's allowance, and this was merely an increase of the existing family allowances. Besides, I can't take such measures alone because they affect the general interests of Farben. They were decided upon centrally. I could not proceed alone in such things, and this good man knew that, but of course he didn't mention it in his report.

Besides, I can mention a second case. It is the so-called marriage assistance. We were of the opinion that that was something for the state to take over, and the state did pay a thousand marks for every marriage. Industry did something else. Farben gave the women additional marriage subsidies depending on the length of their service. So what he says

is again misleading. It isn't worthwhile to talk about this informer and about such disgusting things any further.

Q I also put to you that he accuses you of opposing the orders of the authorities regarding the non-employment of Jews.

A Well, I didn't go into that at all; even though the Gauleiter didn't want me to, I kept these people, and I fired that man in spite of the fact that the Gauleiter told me in the morning that the case is not decided yet, and said that the man is not to be dismissed. In the afternoon I threw him out in spite of the Gauleiter.

Q Thank you, Mr. Gajowski.

A That scoundrel!

Q Dr. Gajowski, I want to put something else to you: Prosecution Exhibit 1400, Book 71, English Page 3, German Page 3, with reference to the approval of credit for a barracks for foreign workers. The prosecution contends that 2,000 foreign workers were to be housed in an area of 860 square meters. Are you acquainted with this document, Dr. Gajowski?

A I have it before me.

Q What do you have to say about it?

A I would like to discuss it briefly. Of course, the contention of the prosecution that in 1,850 square meters I wanted to house 2,000 workers, I can't understand that. That is quite impossible. I can give a brief explanation. If an expert looks at this document, he will know the following: first of all, where it says "Subject," it doesn't say "barracks"; it says "day-room huts." There is the abbreviation; B-t-t-r, (Betrieb) which means "plant" -- Porlen plant. That means, first of all, these are day room barracks; and secondly, that they are not to go on the account of the barracks construction but on the account of the plant. That again means that these are not to be built in the barracks camp but in the plant.

Now what is the purpose of these barracks? The purpose is that the worker coming from the Perlen plant will be able to go there, change his clothes, take a shower, take a bath, eat there, and spend his free time there. There weren't 2,000 workers — that is, of the 2,000 workers who were to be employed in the Perlen plant — there were only 500 for the time being. These 2,000 workers were to work in three shifts. There will only be 700 at a time to change their clothes in this place, eat, and so forth.

Q Very well, that is sufficient, Dr. Gajowski.

MR. PRESIDENT, I am offering now in evidence Gajowski Document 31 which Your Honors will find in Book II on Page 43 and which may go in as Gajowski Exhibit 32. This is an affidavit by Hans Richter, former chief engineer of the Landsberg Works of Sparte III, dealing with Prosecution Exhibit 1400, which I just put to the witness. Richter states that the hut mentioned in this document was not provided for the accommodation of foreign workers but served as a hut to stop to dress, wash, and receive the warm meals distributed by the works.

Q Dr. Gajowski, now with respect to the employment of foreign workers at Wolfen, I should like to put another Prosecution Exhibit to you, Exhibit 1402, Book 71, English Page 20. It is an affidavit of the Belgian worker, van Hol, in which the affiant states that treatment at Wolfen was very poor. The barracks were overrun by vermin. The food and medical care were inadequate. The foreign workers were beaten by the Germans and were always threatened with being sent to a penal camp. What do you have to say to this affidavit which is in direct contradiction with what you just told the Tribunal?

A I should like to go into this affidavit in some detail. I should like to tell you just how I feel and I should like to tell you everything that I feel about this matter. After all, it's my defense, and I am sure the Tribunal will give me three or four minutes more, and Mr. von Metzler, you don't have to worry; I think we will be able to finish in our allotted time.

The situation is as follows, Mr. von Metzler. What this man has written here offends and hurts me deeply. If a man testifies something like this, one asks oneself, "How is it possible for such calumniations and lies to be put on paper?" One asks, "How can that be?" And when I think it over, it is probably like this. The Prosecution goes to these countries and calls on the people by radio to come forward and say what they know about Farben that is bad. Now, we employed thousands and perhaps half a dozen or a dozen come forward - that is not much as far as I see it. Why don't the ones come forward who have something good to say about us? That is very simple to explain. If he says something good, he is a collaborator, but if he says something bad, then he is a resistance fighter.

But there might be something in it after all. One thing perhaps is true in this affidavit - one thing only, that is perhaps the fact that there were vermin there. When I went across the Austrian-Yugoslavian border and stayed at the best hotel, I know they had there bedbugs too. But it is not true that we didn't do anything about it.

Now I would like to go into the specific charges he makes. First of all, the housing. Mr. von Metzler, it is, in my opinion, unnecessary to say a word about the housing. Pictures have been shown here, and the reputation of Farben in this field is so clear that it would be unnecessary to waste a word about it. But thousands of these foreigners who worked for us didn't have it so good at home as in the barracks, as far as heating, cleanliness, and treatment was concerned, and a supply of clothes, soap, and everything possible.

I now come to the food. According to the concepts at the time, the food was not very good, but according to present-day conceptions, it was excellent. The people got the prescribed food, and because they lived in the camp they had special supplementary food. In addition to this, I attempted - and I succeeded - to have all the people possible classified as heavy workers. In this way they got extra rations. At a very early time, longer working hours were introduced, and then there was another supplement for people working long hours. Every possible consideration was taken about food. That the eastern workers were an exception on the basis of inunderstandable government orders, was not our responsibility, but we tried to compensate for that in every way possible. It was not simple for me. It was easier in a plant which was an armament plant or a Czecho-Slovak plant. They got their certificates. They could get additional food. I did not have this priority. I had to get it in illegal ways. And I did so. Moreover, I sent these people in groups of 50 to 60 to the big farms in order to pick peas and beans there so that we could get the food into the camp directly. That was what the food situation was.

Q Now tell us about the medical care.

A I now come to medical matters. In peacetime already, and this was my special interest, we had a big polyclinic, which under me was expanded and given all types of modern equipment. This clinic had all imaginable equipment and every foreign worker could go to this clinic just like any German. We had sanitary installations in the plant and in the camps. We had infant homes and delivery rooms. Ninety percent of the maternity cases of foreign workers were sent to the clinic that is in all cases when it was possible to do so. Our maternity home was famous in the whole district and people who didn't work for Farben came there too. We had three male doctors and one female doctor. I admit, once we had difficulties, in the beginning when a large group of Russians came all at once. We were supposed to get a Russian doctor, but unfortunately we did not get him. We had a little difficulty. I,

myself, negotiated with the doctor for the Russians who wanted to leave. She was French and from the Red Cross. At my request she stayed two weeks longer and then she went to Paris. We all regretted her leaving but circumstances were stronger than we, and this whole difficulty lasted for about two weeks. Besides, there was a doctor in the town; and last but not least, the foreign workers had the freedom of choice. They could go to any doctor they wanted, and there were doctors in the district.

Q Dr. Gajewski, how about the control of your plant with reference to sanitary installations, and so forth? Weren't there state checks regularly?

A I may state the following generally. If that man --

Q What man do you mean?

A Mr. von Mol. If this man makes the assertion that he worked ten hours a day, that is a lie. We can bring proof through the original wage chart. This man is lying when he says the doctor refused to treat him. We have the case history of this man which shows very clearly that he was all the time running to the doctor and being treated. The wage chart shows that, as I recall, that he had 19 days leave in one year and was a shirker.

Now about the beatings in my plant. There was no beating in my plant! That is an infamous lie! When there are thousands of people, of course, somebody can get slapped, but there was no beating in my plant; and he doesn't even say that he was beaten. He doesn't say that, oddly enough. And I can tell you something else about this point which excites me so. If such circumstances had existed in my camps, Mr. von Metzler, how can that be reconciled with the legal provisions that these camps were regularly checked by the supervisory authorities and officials? That is impossible. And something else. If such circumstances had existed, I would not have been left in my position one minute. And another reason why that is impossible. If there is labor conscription in France - forced labor, as the Prosecu-

tion says - then it would not have been possible that the French, who know Agfa, immediately volunteered from France and wanted to work for us. It would not have been possible for them to volunteer for Rottweil, which was near the French border; for as a matter of fact the French knew all the advantages of the Rottweil plant.

Q Now -

A I am not finished yet, Mr. von Metzler. Excuse me, Mr. von Metzler, but that concerns me so strongly. If such circumstances had existed, then would one believe that at the collapse these thousands of people would not have taken vengeance on my associates and my supervisory personnel, on myself? No camp official, no foreman, no chemist or engineer, no plant guard, and not I, myself, were harmed in any way. If such circumstances had existed, as this man here invents and makes up out of cloth, they would have smashed us to pulp. May I further say -

Q Dr. Gajewski, may I ask a question? I believe that you have expressed your just indignation sufficiently and have given practical examples to support your position. Now I should like to continue the examination and ask you another question. At any Sparta meeting, did you ever deal with the question of the housing and treatment of foreign workers?

A Mr. von Metzler, I should like to say something in this connection. I had not quite finished. You and Mr. Meyer know how we struggled to get the documents to refute Mr. von Mol's contentions, and what trouble we had to get this from people who are in the Eastern Zone living under this enormous pressure. It took us months to get this proof. But if I had not obtained these documents - just imagine that you are sitting in your cell and something is brought against you and you can't defend yourself. You don't know what that is like.

And now I come to your question. We technical men, we chemists, and the commercial men too, we had to start at the bottom of the ladder and work our way up in Farben. There were no "connections" or proteges. We had to earn our place in the sun in honest competition with thousands of colleagues and consequently, because we had to start at the bottom, we know the problems of the worker. I worked with them in the factory. I know how hard a man has to work to earn his wages for himself and his family, and then I am supposed to mistreat these people. I learned the business from the ground up and I don't do things like that and, for that reason, I selected plant leaders who helped me - and on whom I depended. I couldn't travel around hundreds of kilometers every day - I picked out the best of these people and then I called them together at certain intervals and I called them for an extra Sparta meeting, and I believe that was in 1942 where I gave them exact instructions about barracks building, housing, food, etc.

Q.- Dr. Gajowski, you are just speaking about meetings. Did you not have meetings in your plant at regular short intervals?

A.- Yes. We had the Sparta meetings earlier, and later on we had so-called plant leaders' conferences. They were not all of them there every time. Sometimes only the nearest plants, and then some times the remoter ones were there. I was not always present, but mostly, and I always took advantage of the opportunity to discuss these problems.

DR. VON BETZLER: Very well, Dr. Gajowski.

Mr. President, reference is made in this respect to defense exhibit Gajowski 30 in Book 1, page 63, in which these meetings of the directorate, of which Dr. Gajowski was just speaking are mentioned.

Mr. President, I'm offering now in evidence several more exhibits. The first exhibit I am offering in evidence is Gajowski Document #14 which can be found in Book 1, page 67 and which may go in as Exhibit 33. This is an affidavit by von Bock, chief of the Welfare department of the Landsberg works, attached to Sparta III. The affiant confirms that Dr. Gajowski

enjoined him to see to it that the foreign workers were taken care of in the best possible manner, regardless of the cost, as far as the existing circumstances allowed.

Next I am offering in evidence Gajowski Document 21 which Your Honors can find on page 1 in Book 2 and which may be marked as Exhibit 34. This is an affidavit by Dr. Josef Huber, former manager of Aceta Works of the I.G. in Berlin, belonging to Sparte III. He corroborates the statement of the witness von Bock.

I am offering next in evidence Gajowski document 15 which can be found in Book 1, page 70 and which may go in as Gajowski Exhibit 35. This an affidavit by the former Catholic priest of the parish of Wolfen, Stephanus Hupperta, corroborating the statement of the affiant Huber. The witness states that the film factory also made arrangements for the foreign workers to attend divine service.

I am offering next in evidence Gajowski document 16 which can be found in Book 1, page 75 and which may go in as Exhibit 36. This is an affidavit by Oskar Hessel. He gives a detailed description of the model installations of the foreign workers' camp at the Wolfen plant. He describes how the workers - the foreign workers, were housed and what they did in their spare time. The document speaks for itself.

I am offering next in evidence Gajowski Document 17 which your Honors will find in Book 1, page 80 and which may go in as Gajowski Exhibit 37. This is an affidavit by Adrien Adolf Schoevers, a former Dutch worker at the film factory Wolfen from 1943 up to March 1945. He testifies that the treatment meted out to him was humane and gave no cause for complaint and that he was not an exception.

I am offering next in evidence Gajowski document 20 which Your Honors will find in Book 1, page 98 and which may go in as Gajowski Exhibit 38. This is a photo copy of a report on the lodging and feeding of foreign workers at the Wolfen film plant, addressed to the commandant of the American

Occupation Forces in Wolfen. The report contains an exact statement of the food rations, the number of beds in the camp, and the number of inmates.

I am offering next in evidence Gajewski Document 24, which Your Honors will find in Book 2 on page 19 and which may be marked as Exhibit 39. This is an affidavit by Harold Mediger identifying the photo copy of the just mentioned report.

I am offering next in evidence Gajewski Document 22 which can be found in Book 2 on page 4 and which may go in as Exhibit 40. This is an affidavit by Leonard Roock giving a detailed description of the structure of the camp of foreign workers at Wolfen.

I'm sorry, Mr. President. I just had the wrong book.

I may add that the affiant, until April 1945, was manager of the construction department of the film factory Wolfen and I may quote the following significant sentence from his affidavit. I quote:

"The camps were built and equipped as if the camps had been intended for German workers, in regard to hygiene as well as construction. The individual huts were designed and grouped according to modern viewpoints and they were built, until the end, according to peacetime standards despite the emergency situation and shortage of materials and contrary to official orders."

I am offering next in evidence Gajewski Document 23 which Your Honors will find in Book 2 on page 13 and which may go in as Gajewski Exhibit 41. This is an affidavit by Dr. Kurt Riess, chief engineer of Sparte III, on the sums expended in the years 1940 up to 1945 for the establishment of billets for foreign workers in the plants of Sparte III. The total amount runs up to about 30 million Reichsmarks. The Wolfen plant alone spent about 8 million Reichsmarks in the aforementioned period to build residence camps. On the basis of a total amount of about 5,000 foreign workers employed at Wolfen film factory, this - the witness states that this gives about 1,600 reichsmarks per foreign worker for quarters alone.

I am offering now in evidence Gajewski document 27 which can be found in Book 2 on page 30 and which may be marked as Gajewski Exhibit 42. This is an affidavit by Dr. Bruno Hilgenfeld, plant doctor of the film factory Wolfen, concerning the medical care of foreign workers. He states that regarding the condition of health of the foreign workers and prisoners of war, the same standard was applied as in the case of German workers. He furthermore states that the general standard of health for foreign workers was extremely good. As for the rest, the document speaks for itself.

I am offering next in evidence, Gajewski Document 26 which Your Honors will find in Book 2 on page 23 and which may go in as Gajewski Exhibit 43. This is an affidavit by Dr. Kurt Riess concerning Prosecution Exhibit 4002 which your Honors will find in Book 71 on page 21. This is the affidavit of Van Mol who was a foreign worker at Wolfen. The witness Riess gives counter-evidence on the statements of the prosecution witness and testifies that this statement dealing with the working and living conditions of foreign workers at Wolfen which are described as having been bad, is not true. As for the rest, the document speaks for itself.

I am offering next in evidence Gajewski Document 28 which Your Honors will find in Book 2 on page 35 and which may be marked as Gajewski Exhibit 44. This is an affidavit of Dr. Wilhelm Schneider, director of several laboratories of Wolfen Film plant, concerning the just mentioned affidavit of the prosecution witness van Mol and dealing with the special incident mentioned in this affidavit, namely, the alleged beating of foreign workers by this witness Schneider. The witness states that the testimony of van Mol is untrue.

I am offering next in evidence Gajewski Document 29 which your Honors will find in Book 2 on page 37 and which may go in as Gajewski Exhibit 45. This is an affidavit of Dr. Walter Schmid, manager of the Reyon Plant of the Film Plant Wolfen, concerning the allegation of the just mentioned prosecution witness van Mol that Schmid also beat foreigners. Schmid testifies that this statement of van Mol is not true.

DIRECT EXAMINATION (Continued)

Q Dr. Gajowski, were your associates satisfied with the work done by the foreign workers?

A Excuse me, Mr. von Metzler, if I add just a little. I understand your earlier question to refer to my associates outside the plant. As far as for my associates in the plant, we had a meeting every week in the plant. Exclusively in order to speak about social conditions and problems of the workers in the plant. That was every week. Normally, it was every Tuesday and we had a very thorough meeting which was devoted to virtually no other problem.

Now, as to your other question. Whether we were satisfied with the foreign workers - I should like to say briefly that, on the whole, we were satisfied. We were satisfied with the Western workers. With so many thousand people, of course there were elements which were not entirely satisfactory. We were satisfied with the Polish women who were very clean, very efficient, and very industrious, while the Polish men were not so good. We were surprised about the good and willing work of the Russians, both the men and the women. As I say, they were willing, very easy to work with, and we didn't have any difficulty with them. Our greatest difficulties were with the Czechs. The Czechs were not willing to work. They were very difficult and among the Czechs we caught quite a number who were guilty of thefts, etc., and we had to take steps.

Q Dr. Gajowski, we now come to the field of keeping discipline in the Wolfen plant. To avoid repetition, I may say that twice you have said that you had about 11,000 workers at Wolfen.

A Yes.

Q And that about 5,000 of them were foreigners. Now, how about discipline at Wolfen?

A It was comparatively good. That is, it was due to us that it was fairly good because we kept urging the people to observe discipline and kept instructing them, because, after all, with such a large number of employees, keeping discipline is the most important thing. It was quite impossible to allow circumstances to arise which might have unpredictable consequences. Of course, among these many thousands of people - and I have already said this, there were quite a number of elements who gave rise to difficulties and, as I just said about the Czechs, there were also elements - not only Czechs, of course - who committed thefts and other offenses.

Q Dr. Gajewski, to make it quite clear, can you give us a few examples of the violations against discipline which you spoke of?

A Well, the shirkers - they did the following for instance. They simply stayed away or they came to the plant, put their card in to prove that they were there, and then they disappeared and in the evening they came back and punched their card again. But I remember another case which happened to be Czechs. They got sick certificates and then they filled them out whenever they felt like it and reported sick, and so there were a number of things which covers the concept of shirkers.

Q Were there other violations aside from shirking?

A Yes. Theft and sometimes there were fights among the workers, but they were settled if it was possible.

Q And how about foreigners coming back to work?

A Well, that doesn't belong in the chapter of shirkers, but under the chapter of escapes. A great many simply didn't come back when they were on leave. Many left permanently.

Q. What do you mean, many didn't come back from leave. You told the Tribunal that they were treated decently at Wolfen. How do you explain the fact that people ran away?

A. Well, that's very simple. At the end, as we heard and know, these people were conscripted for labor and, after all, the longer the war lasted, the more resistance was organized. The people were secretly told that they should leave. That had nothing to do with mistreatment in the camp. A resistance was beginning at that time even in Germany.

Q. Thank you, Dr. Gajowski.

What did you do in such cases? Cases of violations against the regulations which you have just described.

A. Of course I could not just accept such violations in the long run because it had to have a bad influence and interfere with production. In peace time it would have been very simple. Such people were simply dismissed, but during the war that was impossible. Especially because labor was more and more scarce. I didn't get replacements and a shirker is better than nobody.

Q. How was it during the war? Could you just throw a worker out?

A. No, that was forbidden. I could not dismiss workers as I felt like it. In the beginning of the war, legal provisions were put out making change of a work place dependent on permission of the labor office. Dismissal of Germans and foreign workers was possible during the war only with the permission of the labor office. If I had made an application to the labor office explaining that this person did not like to work, the only result would have been that the labor office would have pointed out to me "This person has to be trained to do orderly work", and for this purpose the plant leaders

had given certain disciplinary authority by law. To apply this disciplinary authority in such cases I was not only obligated, but I was forced in my capacity as plant leader, and I would have been subject to punishment if I had not taken the disciplinary steps as ordered.

Q Dr. Gajewski, did these disciplinary measures apply to German and foreign workers equally?

A They applied both to the Germans and to the foreigners in exactly the same way.

Q Dr. Gajewski, what was the practical reason for the regulation of disciplinary measures issued by the state which you have just described?

A The reason was that a dismissal of a person unwilling to work automatically forced the labor office to find a substitute or at least it would have had to try to do so. But in view of the extremely tense situation on the labor market, this would have been extremely difficult. Also the difficulties could not have been overcome by the labor office if they had allowed the dismissal of people who did not want to work. Because if one case had been handled in this way it would have become an example and every German and every foreigner who, for one reason or another, did not like his place of work and who wanted to leave it, would simply have committed some violation and would have been dismissed and would have been free. That was impossible.

Q. Dr. Gajewski, you have mentioned disciplinary authorities of the plant leader. Would you please list them and tell us what they are?

A. Yes. First of all we issued proclamations again and again pointing out the duties of the workers. That was quite general. Then we warned the offender. He displayed the patience of an angel before we even warned him. Then came reprimands and then came the fines. As I recall, there were five steps in these fines before a report to the police was resorted to or then we punished the workers by calling the day that they had stayed away from work, "leave" deducting it from their regular leave.

Then there was another point we all had -- overtime.

THE PRESIDENT: Would you mind being interrupted for our recess?

A. I am almost finished.

THE PRESIDENT: Go ahead and finish your answer.

A. They all worked overtime. They got additional food for overtime. If somebody was not at work then he didn't work overtime any more. Then there were legal provisions for withdrawing the additional food.

(A recess was taken).

THE MARSHAL: The Tribunal is again in session.

DR. KENZ (Counsel for defendant Kuglar): Mr. President, I should be grateful to have my client, Dr. Kuglar, excused this afternoon and tomorrow afternoon to prepare his testimony.

THE PRESIDENT: We are hardly in a position to deny your request in view of the precedent that has been established. It will be granted.

BY DR. von KETTLER:

Q. Dr. Gajewski, before the recess you described to us the various disciplinary measures that you had to take according to regulations in capacity as plant leader. What was done if all these measures had no effect, if all these measures didn't help?

A. If all these measures didn't help, it was prescribed for such a case that the plant had to report the German workers to the Reich 'Ministry of Labor and report the foreign workers to the competent police agency. In this report all plant measures that had been taken up to that time had to be mentioned.

Q. Didn't the plant have any influence upon further measures that were taken by the authorities then?

A. No. Everything further was then taken by the authorities and the plant could not influence these measures in any way.

Q. As far as you know, did the authorities make any difference when they treated cases as to whether these people were Germans or foreigners?

A. No. As far as I know, this was not done. This difference was not made on principle. Both categories were either warned by the authorities or they were given monetary fines. In especially serious cases they were transferred into a labor camp, into a correction camp.

Q. Did you have such a correction camp in Wolfen?

A. No.

Q. How did you handle the reports in your plant, the reports of the shirkers?

A. Of course, the plant measures, the internal plant measures, would be first of all exhausted as far as possible. One didn't want to report

these people right away. First of all, one weighed over everything carefully and one department chief could not simply report such a worker. That was first discussed before such a report was made.

However, we had to make these reports and, even if we showed the patience of an angel, one must still take into account that on the one hand we had our production quotas to meet in order to maintain these production terms. I had to maintain order and discipline on the other hand. One could not permit any leniency to break through this iron will and there was a conflict in one's conscience whether one should report these men or not and it was done frequently. We had to report the escapees anyhow. That was a matter of course for otherwise my numbers of workers did not tally with the numbers that the labor office had.

Q. Thank you very much, Dr. Grijewski, I should now like to put to you a few prosecution exhibits; first of all, Exhibit 1404 which is in Book 71 on page 28 of the English and page 31 of the German. This is a letter of the Canora Plant Munich to the Labor Office regarding the labor draft of Polish female criminal prisoners who had been employed in the Canora Plant after their prison term had been completed. The prosecution asserted that the Canora Plant tried to have the prison term of these Polish female workers extended so that they could continue to employ them in their plant. Do you have this exhibit of the Prosecution?

A. Yes.

Q. Were you at all concerned with this matter at the time?

A. No. I learned of this matter only after the presentation of this particular exhibit. Therefore, I cannot say anything about it from my own knowledge and I have to refer to the documents that you presented in this connection. One thing is sure, however, and that is that it is absurd to consider the labor draft as an extension of the prison term, of the punishment, during the war the overwhelming majority of German workers were drafted for their particular jobs. Furthermore, this letter doesn't have any signature. It is not quite impossible that the letter was never sent, but I don't know that.

Q. Dr. Gajewski, then I should like to put to you exhibits of the Prosecution 1405 and 1406, also in Book LXXI, pages 29 and 30 of the English and pages 32 and 33 of the German. These are two letters and one file note regarding the employment of female concentration camp inmates in the Camera Plant Munich. These letters are directed to the Dachau concentration camp. Did you look at these documents before your examination? Do you have them in front of you?

A. Yes,

Q. Did you know that these female concentration camp inmates were employed in the Camera Plant in Munich which belonged to your Sparte?

A. I want to say this in that connection: at first I was not able to remember it. I believe it was in the middle of 1944 in July, if I am not mistaken, when I was informed that the Camera Plant had suffered a heavy air raid. As it was my duty, I went there immediately to find out what damage to human lives and to property had been done. I stayed at the German Plant only for about two hours. At that time the Camera Plant did not employ any concentration camp inmates as yet. At least, I don't know anything about that. It is possible that Dr. Lingg told me at that occasion that he had to employ concentration camp inmates but, apparently, that fact escaped my memory later. This, after all, is not un-understandable, inexplicable, since the employment -- and this can be seen from the documents -- took place subsequently in the autumn of 1944. That is at a time when one was overloaded with cares and worries and when one was so overburdened through all these events that it is quite possible that I forgot it at the time. At any rate, I can see from this document that inmates came to the Camera Plant in Munich as late as the second half of 1944.

Q. Dr. Gajewski, were you informed of the particular events that the Prosecution presented in these two documents?

A. No.

DR. VON HENTLER: Mr. President, I am going to present now some more defense exhibits. I am offering in evidence Gajewski document 35 — oh, I beg your pardon, 34, which Your Honors will find in Book 2 on Page 53, and which may go in as Gajewski Exhibit 46. This is an affidavit of the former manager of the camera works of I.G. in Munich, Dr. Alfred Lingg, concerning Prosecution Exhibit 1404 in Book 71 on Page 31 dealing with the labor draft of Polish female prisoners who had served their terms. The witness testifies that these Polish women wished to continue to work in the camera works after they had served their terms, and that for formal reasons only, upon demand of the Regional Armament Office, this was effected by way of a labor draft through the local labor Office.

I am offering next in evidence Gajewski document 35, which Your Honors will find in Book 2 on Page 57 and which may be marked as Gajewski defense exhibit 47. This is an affidavit by Georg Rottner, chief master in the camera works, Munich. He corroborates the statement of the just mention affiant, Dr. Alfred Lingg, that the Polish female prisoners tried repeatedly to become once more employed in the camera works after their release from prison.

I am offering next in evidence Gajewski document 36, which Your Honors will find in Book 2 on page 58 and which may go in as Gajewski exhibit 48. This is an affidavit by the just mentioned affiant, Dr. Alfred Lingg, who testifies that the concentration camp inmates employed at the Camera Works, Munich, were assigned and allocated to said plant after all endeavors to restore to the Camera Works the convicts who formerly were employed therein had failed.

I am offering next in evidence Gajewski document 37, which Your Honors will find in Book 2 on Page 59 and which may be marked as

Gajewski exhibit 49. This is an affidavit of the senior engineer Gustav Ziegler from the Camera Works, Munich, who corroborates the statement of the affiant Dr. Lingg concerning the allocation of concentration camp prisoners to the Camera Works. He further more states that the engineers Maier and Sachs from the Camera Works were sent to Ravensbruck concentration camp exclusively for the purpose of carrying through an aptitude test of the allocated inmates.

I am offering next in evidence Gajewski document 38, which Your Honors will find in Book 2 on Page 61, which may go in as Gajewski exhibit 50. This is an affidavit of Ernst Sachs, engineer in the Camera Works, Munich, corroborating the statement of the just mentioned witness Ziegler. He adds that the prisoners at Ravensbruck pressed for acceptance to Munich, to the Camera Works, Munich.

I am offering next in evidence Gajewski document 39, which Your Honors will find in Book 2 on Page 63, and which may go in as Gajewski Exhibit 51. This is an affidavit of Josef Bergmüller, manager of the wages office in the Camera Works, Munich, on the amount of working hours in the time fuse department of the Camera Works. He states that on the average these working hours amounted to about 54½ hours and that no work was done on Sundays. I may continue now, Mr. President, with the examination of the defendant.

BY DR. VOLKMEYER:

Q. Dr. Gajewski, I now turn to my final questions in regard to Court III, and I turn to the documents which the Prosecution presented about the firm of Kalle and Company. Earlier already during your examination you stated that the firm of Kalle was affiliated formally to your Sparte, but that practically it was independent to a large extent. How does this apply to the field of labor employment? Was the firm of Kalle also independent in that regard?

A. In the field of labor commitment and the social welfare work, Kalle was completely independent, much more independent in those fields,

than they were on the technical side, where there was at least some sort of exchange of experience, and we had a loose connection on the technical side that the credits had to come by way of my Sparta office, in order to have a control about finance and technical matters. However, in the field of labor commitment and social welfare work, Kalle was completely independent because that firm never turned to my social welfare office. In regard to administration, then, Kalle was completely independent.

Q. Dr. Gajowski, you have really answered the question already, but I want to clarify it once more. Did you ever concern yourself with questions of labor commitment with Kalle, or did you issue any instructions or directives?

A. No, never.

Q. The Prosecution offered a number of documents in regard to Kalle and Company. These are Exhibits 1022 through 1028 in Book 71 on Page 33 through 40 in English, Pages 39 through 60 of the German. These documents refer to measures that Kalle took in the case of breaches of contract and against shirkers. Do you have these documents before you, Dr. Gajowski?

A. Yes, I do.

Q. You looked at the contents once more, did you?

A. Yes.

Q. I ask you now, did you know anything about these events?

A. No, since, as I said before, I did not concern myself with the question of labor commitment for Kalle at all. The Vorstand of that enterprise was not only independent in that respect, but according to the law, it was solely responsible to the State Labor Commitment agencies for observing the regulations of the State. That is then — to come back once more, of course I don't know these events. They are of a domestic plant nature of Kalle, and of such events I wouldn't even have learned in case of my own plants, unless they were cases of spo-

cial significance.

Q. You said, Dr. Gajewski, that you would not have learned of these events in the case of your own plants, in all such cases. In order to come back to this subject once more, how independent were the individual plant leaders in the field of labor commitment and social welfare work?

A. I believe I have already outlined that briefly once before, but perhaps I can supplement it. As I said, I appointed plant leaders, such people who were decent, efficient and who were human beings. These people had served from the ground up and were well familiar with this tradition of social welfare work of Farben. At least, they had grown up with this tradition. These were my plant leaders. I could entrust such a plant to these plant leaders with an easy conscience, and they were practically independent. How often did we say, "These are really the little kings, they are far away from action. They have their own independent life, they have their beautiful plant to take care of with all its nice tasks." Labor commitment and social welfare questions were locally bound. They had to make their own decisions in this sense and in the meaning of the law for the regulation of national labor, they were independent plant leaders and factory chiefs.

Q. Then they were also responsible towards the authorities.

A. Of course, they were responsible to the authorities.

Q. Thank you very much.

DR. VON HETZLER: Mr. President, I offer now in evidence Gajewski document 32, which Your Honors will find in Book 2 on Page 45, and which may go in as Gajewski exhibit 52. This is an affidavit of Dr. Wilhelm Ihms, director of the firm Kalle & Co. He testifies that at all events the Vorstand of Kalle & Co. was responsible to the labor authorities under whose jurisdiction this firm came for all problems of labor as well as for all social welfare questions, under the rules and

regulations of the German law on national labor. And furthermore, the affiant testifies that this applied both to German and foreign workers.

I am offering next in evidence Gajowski document 33, which Your Honors will find in Book 2 on Page 48, and which may go in as Gajowski exhibit 53. This is an affidavit by Max Gerisch, former manager of the camps for foreign workers of the firm Kalle & Co., concerning prosecution Exhibits 1824 to 1828 in Prosecution books 71 on Pages 40-45.

The witness testifies that there was a legal obligation to intervene in cases of neglect of work and absenteeism from the camps, but that the firm management did everything in its power to manage with disciplinary measures taken within the plant. The witness adds that there were rare cases of laziness among the foreign workers.

THE PRESIDENT: That, I believe, Dr. Von Metzler, concludes the documents in your Book 2, does it not?

DR. VON METZLER: No, there is one more exhibit left. Yes, in Book 2, I beg your pardon, Mr. President.

BY DR. VON METZLER:

Q Dr. Gajewski, I have one more question to put to you in regard to Court IV of the indictment. In that connection, I want to put to you Prosecution Exhibit 1583 in Book 91, Page 19 of the English and 22 of the German. That is an affidavit of Oswald Pohl in which it is stated that he remembered that at the occasion of his visit to the film factory "Wolfen", he had seen you, Dr. Gajewski, in uniform, SS uniform. I put to you furthermore Prosecution Exhibit 1292 in Book 67 on Page 29 of the English and 38 of the German, another affidavit of Pohl where he states that that visit was undertaken at your invitation and that you conducted the gentlemen through the plant at the time. Would you please state your opinion briefly about these two exhibits? Do you have them before you?

A No, I don't have them, but I know their contents.

Q Would you please make some comment about them?

A I was never a member of the SS, and I never supported the SS as supporting member, and as a result I never wore SS uniform. It is also incorrect that I invited SS Obergruppenfuhrer Pohl. I did not conduct this inspection, either. I want to add something in explanation. I was frequently asked whether I knew Mr. Pohl, and I always said no. I was asked whether it wasn't true that he had visited me in Wolfen, and I always said no. The visit had completely escaped my memory, and it is also significant that all my associates could not remember this visit. The visit is simply certified to by Mr. Fanslau, who was there. Our guest

book in Wolfen was lost during the collapse and that is an explanation for the fact that I really could not remember this visit.

DR. VON METZLER: Mr. President, I am offering now in evidence the last defense exhibit Gajewski. It is Gajewski document 57, which Your Honors will find in Book 3 on Page 56 and which may go in as Gajewski Exhibit 54. This is an affidavit by Heinz Fanzlau, chief of the general administration of the SS in the territory of Saxonia in the years 1934 to 1938. The affiant states that the visit which he paid, together with the chief of the SS administration office, Oswald Pohl, to the film factory Wolfen in the years 1936 or 1937 took place on his own initiative and was not brought about by Dr. Gajewski, and that this visit had nothing to do with the tasks of the SS administration. The witness furthermore states that on this occasion the visitors were not shown over the film plant by Dr. Gajewski.

BY DR. VON METZLER:

Q Dr. Gajewski, I now turn to the last question of my examination. I want to put one question to you in connection with Count V of the indictment. You know that the Prosecution charges you there that together with other defendants you participated in a conspiracy for the commission of crimes against peace which comprise also, in the opinion of the prosecution, those crimes with which you and the other defendants are charged in Counts II and III of the indictment. I now ask you, Dr. Gajewski, whether you did participate in such a conspiracy?

A This charge of the Prosecution I must designate as utterly unfounded. We never got together to commit them, nor did we conspire to commit them with any representatives of the Third Reich. During the first part of my examination, I have already made statements about my knowledge of the foreign political intentions of the Hitler regime, and stated my opposing attitude towards the Party. The idea that after all that I should have participated in such a conspiracy seems so absurd to me that I can save any further comment about that subject.

DR. VON METZLER: That, Mr. President, ends the examination in chief

of the defendant Gajewski.

THE PRESIDENT: Dr. Von Metzler, before you leave the podium, my Gajewski book 1 indicates that there are three documents, your documents numbers 12, 18 and 19, that were not introduced in evidence. I should like to verify that and ask you what you have to say with reference to that.

DR. VON METZLER: Yes, that is correct, Mr. President. We are offering two other documents covering these points which will become part of the supplemental book; therefore, these documents are not introduced in evidence.

THE PRESIDENT: And will not be introduced in evidence?

DR. VON METZLER: No.

THE PRESIDENT: Then we will mark them out of our books.

DR. VON METZLER: Mr. President, I am afraid there is a third document contained in document book 1 which has not been presented in evidence. That is the affidavit of Hans Joerks, which you will find on page 60. We are going to hear Mr. Joerks as a witness; therefore, we are not putting in this affidavit.

THE PRESIDENT: Yes, that was No. 12 that I spoke about. That makes the three.

DR. VON METZLER: Then the next document is --

THE PRESIDENT: 18, and the last, 19.

DR. VON METZLER: And 19, three documents.

THE PRESIDENT: Very well, we understand.

DR. VON METZLER: Thank you.

THE PRESIDENT: Do any of defense counsel desire to interrogate Dr. Gajewski?

DR. DIX: Dr. Dix for Schneider.

BY DR. DIX:

Q I have only one question to put to you, Dr. Gajewski, which has to do with the cross examination of the defendant Schneider. Do you know or do you have any knowledge in the case of the Abwehrbeauftragten of

your plants whether Dr. Schneider gave directives to your plants in regard to security police measures as prescribed by the SD and the Wehrbeauftragte?

A No.

DR. ASCHENAUER: Dr. Aschenauer for Cattincau.

BY DR. ASCHENAUER:

Q Dr. Gajewski, you were the chairman of the Verwaltungsrat of the chemical industry in Prassburg?

A Yes.

Q Who participated in that association?

A In this association, there were the stock company DAG Prassburg, Dynamite Nobel, and the Aussiger Verein or the Prager Verein.

Q Did the Prager Verein have any advantages on the basis of a commercial contract which exceeded the framework of other participations?

A Yes, he did have such advantages, considerable advantages. It had a contract of exclusive rights for the shipment of certain chemicals.

Q Was the Prager Verein informed about all important events in business policy of the chemical industry A.G.?

A Yes, in the meetings that took place.

Q Were the important decisions made in conformity with them?

A These important decisions were always made in the presence and in agreement with the Prager Verein.

Q Was the Prager Verein represented in the Verwaltungsrat?

A Yes.

Q. Was the Bystra Fabrik in Pressburg erected within the scope of the Four Year Plan in Pressburg, or has this factory anything to do at all with the Four Year Plan?

A. No, it has nothing at all to do with it.

Q. Who benefitted from the production?

A. As far as I know, Slovakia exclusively benefitted, and that constituted a valuable export asset. Much business was transacted with Switzerland and Swiss currency was brought into the country.

Q. Did the Chemische Industrie, A.G. employ forced labor, concentration camp inmates, or prisoners of war?

A. No.

Q. Did Dr. Gattineau know of any discussions? Did he bring you together with any leading political personality?

A. No.

Q. Thank you, I have no further questions.

THE PRESIDENT: Anything further from the defendants? If not, the prosecution may cross-examine the defendant.

CROSS EXAMINATION

BY MR. MCKEN:

Q. May I ask, if Your Honor please, for a five minute recess, so as to arrange for these documents, and I think it will save time?

THE PRESIDENT: If you think it will save time.

MR. MCKEN: I think it will really.

THE PRESIDENT: Very well, we will rise for five minutes.

(A recess was taken.)

Q. Dr. Gajewski, as an official of Dynamit-A.G., Wolf & Company, and the other firms which you testified were only formally attached to Sparte III, did you inform the Vorstand of I.G. Farben as to the dealings which these companies had with the Wehrmacht?

A. I didn't properly understand the question. First of all, I was not an official --

Q. I will repeat it for you, if you didn't understand. As an official of Dynamite-A.G., Wolff & Company, and the other firms which you testified were only formally attached to SP.HTS III, did you inform the Vorstand of I.G. Farben as to the dealings which these companies had with the Wehrmacht? Do you understand it?

A. Yes, I understood that, but I do not agree when you say that I was an official of the D.G. I was only in the Aufsichtsrat of the D.G., and the rest of the question whether I informed Farben about the war production or any collaboration with the Wehrmacht - I can not remember that. I did understand your question properly.

Q. Dr. Gumbert, isn't it a fact that you declined to sign the declaration of secrecy unless you were permitted to make an exception to the effect that you had to keep the Vorstand of I.G. Farben informed of the matters you learned from Wolff & Company and D.G., is that a fact?

A. I don't know that any more. I assume that you have some document, and please show it to me, but I don't know this any more.

Q. I show you Document III 13536, which we offer as Prosecution Exhibit 1935. And I direct your attention to the bottom of Page 3 of the German; that is the middle of Page 2 of the English, and I ask you whether or not that refreshes your recollection that in the declaration of secrecy which you executed as an official of Wolff & Company you made a reservation that you had to inform I.G. Farben Vorstand of your matters. One moment, please. I want to direct your attention to the bottom of Page 5 of the German, and it is the bottom of page 3 of the English, is your recollection refreshed?

A. I have been submitted a declaration that I signed for the firm of Wolff & Company; that is correct. The secrecy regulation that I signed. At the bottom there is a handwritten addition by myself. "I must make one exception in that I must inform the Central Committee of Farben of which I am also a member". I can say the following to that.

Q. I asked you whether that refreshes your recollection, does it?

A. It is an aid to my memory, but I must give you an explanation.

I ask that you permit me to do that for I can not otherwise agree with your interpretation of it. The addition was made by me as I stated. Our connection with Wolff was purely formal, just as the sending of this particular declaration was formal, and, therefore, I reserved for myself the right that if anything special did occur, I would inform the Central Committee. Nothing ever came up and as far as I remember I never reported anything at all. It is a formal matter purely and simply. I was at Wolff & Company twice in my life, or three times.

Q. Dr. Gajewski, isn't it a fact that Dr. Mueller of Dynamite-A. G. informed you of the mobilization plans dealing with the TNT or Trinitrotoluol plants of Dynamite-A. G., and he asked you to assist in making I. G. Farben specialists available for that purpose? Is that a fact?

A. I don't know for what purpose that was, but it is quite possible that Dr. Mueller asked me to send him some gentlemen, but no specialist, to produce trinitrotoluol. I didn't have any such experts. I don't know what particular cases you are referring to. It is possible we helped him out during rearmament with certain engineers and he turned to me just as he did to other Farben plants. That is possible, but I did not have any specialist in the field of TNT. I understood you to say TNT.

Q I asked you about TNT plants. I think you understood my question, didn't you?

A Yes.

Q Did you understand my question?

A Yes, Yes.

Q Now, I show you, Dr. Gajewski, Document HU 13532, which we offer as Prosecution Exhibit 1936. That is a letter from Paul Mueller addressed to you on 22 October 1935. May I ask you to please look at that document and tell us whether or not it refreshes your recollection that Mueller of Dynamite-A.G., informed you of the mobilization plans with respect to TNT plants of Dynamite A.G., and whether he ask you to make available I.G. specialists. Does that refresh your recollection? It is a Strictly Confidential letter, you will note.

A Please permit me to read this letter in peace, and after that I am going to answer you. The letter can be very simply explained, now that I have read it. As I say, I don't remember this letter. It concerns certain stand-by plants. For those stand-by plants Dr. Mueller asked that he be given chemists. He writes and I read: "I can therefore imagine that some of the chemists who are presently occupied in the production of mono- and dinitro compounds in the I.G. plants will be at—"

Q I am sorry --.

A Please permit me to read this.

Q I am sorry. I did not ask you to read the letter into the record.

THE PRESIDENT: The defendant is not reading the letter and he is entitled to a fair opportunity to make an explanation to your question, Mr. Anchan, and please let him answer. Dr. Gajewski, will you please make it as direct and simple as you can. Go ahead.

A Mr. President, I am, of course, trying to be as brief as possible. I know how short the time is, but I must require for my defense to present these things in a connected way, otherwise it is impossible to

see what I am trying to say. It says "for the filling plants we hope to be able to make available the specialist people ourselves, although we have not yet two chemists for the production of picric acid." I now ask you to find out whether for these binitrotoluol stand-by-plants and for the plants of binitro acid the necessary people of the Farben can be made available to us in case of mobilization. In other words, it very briefly can be obtained. Dr. Haller is about to construct stand-by plants for the army in the rearmament program. He turns to me, literally, to find out and he says, "my request to you is aimed at establishing whether suitable representatives of Farben can be put to our disposal for the trinitrotoluole and so on", and he asks me whether I can inquire with Farben whether such people are available. That is all. The fact that this letter is strictly confidential at a time when secret plants are being constructed is a matter of course. He only asked for my services to look around for people, but I myself in the photo and rayon field did not have any experts. He did not write this letter only to me.

Q Did I understand you to say that he didn't write the letter to you? Is it not addressed to you?

A Yes, but I said that he wrote this letter not only to me, but also to other agencies. He did go to me, yes.

Q Dr. Gajewski, is it not a fact that you as a representative of Farben were informed of the negotiations between Dynamite A.G., Wolff & Company and the Army Ordnance for the construction of explosives plants? Is that a fact?

A That is possible. That is absolutely possible. I was also two or three times at Wolff & Company and I looked at the new powder plant — subterranean powder plant. I knew about that, too. That is quite possible.

Q I show you Documents NI 13533 which we offer as Prosecution Exhibit 1937, and Document NI 13513, which we offer as Prosecution

Exhibit 1938; and Document MI 13528 which we offer as Prosecution Exhibit 1939. I ask you, Dr. Gajewski, to please look at these documents. The first two.

A Of those?

Q Prosecution Exhibit 1937 and 1938 being from DAG and the third document, Prosecution 1939, being from Wolff & Company, and I ask you whether or not these documents refresh your recollection.

THE PRESIDENT: Wait a minute, Mr. Lushan. I think I am confused. Are you offering three exhibits here at one time?

MR. LUSHAN: That is right; three separate documents. They are just coming up.

THE PRESIDENT: Now, let's see, Document NI-13533 is your Exhibit 1937, is that right?

MR. AMCHAN: That is correct.

THE PRESIDENT: And 15— 13528—

MR. AMCHAN: I would suggest 13513 as Prosecution's Exhibit 1938.

THE PRESIDENT: We don't have that.

MR. AMCHAN: That is NI-13513.

THE PRESIDENT: That is what number please?

MR. AMCHAN: 1938.

THE PRESIDENT: And the last one?

MR. AMCHAN: NI-13528 as Prosecution's Exhibit 1939.

THE PRESIDENT: Thank you.

Q (By Mr. Amchan) Dr. Gajewski, do you recall my question? Have you that question in mind?

A No, I would like to read these things first.

Q Well, let me put my question to you.

A May I ask you please to wait a minute first. I shall read these things and then perhaps you can repeat your question.

THE PRESIDENT: Mr. Secretary, will you send Judge Morris up another copy of Document NI-13533. No, wait a minute—

JUDGE MORRIS: I have got that.

THE PRESIDENT: 13528. Thank you.

THE WITNESS: Now I please ask you to repeat your questions now.

Q (By Mr. Amchan) These documents that were just handed to you, Prosecution's Exhibit 1937, Exhibit 1938 and Exhibit 1939, do they refresh your recollection, that you as a representative of Farbae were informed of the negotiations which Dynamit, A.G. and Wolff & Company had with the Army Ordnance Office relating to the construction of explosive and munition plants?

A First of all I don't know what this particular document has to do with me at all. This does not concern me at all.

Q Which documents are you talking about?

A NI-13513, 13513. It is a letter apparently by Mr. Karsten, copies to Mr. Frank Fahle, Meister and Dr. Ritter. I don't understand this letter. This other letter of Dr. Wolff directed to me--

Q Is that NI-13523?

A Yes. This letter of Dr. Wolff directed to me of the 24th of September 1936 refers to a letter that he wrote to Geheimrat Schmitz and which he attaches. In that letter he says that he had not received my reply and he asks me whether I can name a gentleman to him who would be ready and suitable to advise Wolff in regard to contracts that might be concluded with the Montan-Gesellschaft. I received an inquiry from Mr. Wolff. He knew me. Why shouldn't he ask me? And I probably named Director Buhl as an expert in these things who had business with the Montan Gesellschaft. I don't know what I answered him. That was that. It is a little difficult for me to peruse such a large number of letters, but I can say generally, they are letters....

Q Are you referring to the document NI-13533 now?

A The number is illegible now.

Q Is that the letter of 17 October '38, the first page?

A Yes, 17 October '38.

Q Go right ahead.

A It is a letter of Dr. Sebren to Dr. Krauch. That does not interest me. I don't know what is in it. Then there is the thread running through all these letters, the question, the request for asking people available for plant leaders, for directing plants. Dr. Mueller probably had the important task to construct a number of stand-by plants for which tasks he needed personnel.

Q Dr. Gajewski, do these documents sufficiently refresh your recollection, is there anything further you want to say about them?

A Well, I can only reiterate that these are requests of Dr. Mueller's for certain personnel. For instance, Dr. Osterburg inquired with me whether I agreed, and I did have misgivings because didn't have enough people. He then in turn replied to me that I could nevertheless help and

make further people available. That is the way I understand it now.

Q Would you please look at Page - German Page 6, that letter of Dr. Ambros's, February 21, 1939, that is Page 3 of the English, the one that is addressed to Dr. French that you just mentioned now. Would you please tell me whether up in the right-hand corner whether that is your initial on top of that letter; that "G" is that your initial, right above?

A Yes, yes, I overlooked that, that is right. But I don't know what is in it, in this letter. This letter is dated 1939. I saw now already that the fact that I received this letter was because there was a Hoxsie experimental plant in Rottweil. I was given this letter for reasons of propriety because this plant did not belong to me....

MR. von METZLER: Mr. President; I have to make objection to this interrogation, cross-examination. The prosecution is putting different letters to the defendant, and the defendant must be given sufficient time to read these letters and then form his answers. I think that this is absolutely necessary.

THE PRESIDENT: If the defendant does not understand, he may now understand that if he is asked about a document that he is not familiar with and it is passed to him and he is interrogated about it, he is entitled to take a reasonable time to learn the contents of the document before he is required to answer.

MR. von METZLER: I am sorry, your Honor.

THE WITNESS: Mr. Prosecutor--

THE PRESIDENT: I don't believe there is anything before the Tribunal at this time. As I remember, these letters, before they were even handed to this defendant, he said he knew something about munitions works at the place inquired about because he had been there and saw some underground constructions. I don't know whether it is even necessary or proper to refresh his recollection in view of his admission that he did see that. In view of that fact let's just start over again and formulate your next question, Mr. Prosecutor and wait for the next question, Mr. Defendant.

Q (By Mr. Amchar) Dr. Cajowski, is it not a fact that Ignatius A.J.

regularly informed you and I.G. Farben of its requirements for acids and other preliminary products, is that a fact?

A I don't know that they approached me for acids. I didn't produce any acids in my plant, but if you have such a circular letter and if I am supposed to have received it, please show it to me. I was not a manufacturer of acids, and I am very astonished that you tell me that. Please send me the document.

Q I show you NI-13571 which we offer as Prosecution's Exhibit 1940, and may I ask you to please direct your attention among other things to the next to the last paragraph on Page 5, the letter from Dr. Mueller of Oppenheimer A.G. where he states—

THE PRESIDENT: I think, Mr. Prosecutor, that it would hardly be fair to the defendant to tie him down to a part of the letter when you have offered the whole exhibit, and if you intend to interrogate him about it, give him an opportunity to look at the letter there as a whole, and then after he has had an opportunity, to direct his attention to a particular part as a basis of a question, we will permit it.

MR. AMCHAN: We will do that.

THE PRESIDENT: That is a long document.

MR. AMCHAN: May I put the question into the record now before the recess?

THE PRESIDENT: If you will undertake to remember. We won't. If you will repeat it after we get back, so we will have it before us, that is all right.

MR. AMCHAN: I think it would be best to put it in now.

THE PRESIDENT: Very well.

Q (By Mr. Amchan) Dr. Gajewski, when you are through reading these documents—

THE PRESIDENT: Let's do it this way. Is there any reason why the defendant may not have the document during the recess?

MR. AMCHAN: None at all.

THE PRESIDENT: Then, Dr. Gajewski, you will be permitted to keep

that document over the noon recess to familiarize yourself with it. Please listen to the question which the prosecutor wishes to propound about it, but you need not answer until after we reconvene.

Q (By Mr. Lechan) Do those documents refresh your recollection that you, along with other representatives of Farben, were regularly informed by Dynamit A.G. of its requirements for acids and other preliminary products?

THE PRESIDENT: You understand the question, Dr. Sejewski?

THE WITNESS: I understood the question.

THE PRESIDENT: Very well.

THE WITNESS: But it is wrong.

THE PRESIDENT: Look at the document over the noon recess. The Tribunal will be back at one-thirty and you may answer in the light of the document.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, March 3, 1948).

THE MARSHAL: The Tribunal is again in session.

DR. FRITZ GAJEWSKI - Resumed

CROSS EXAMINATION (Continued)

THE PRESIDENT: Mr. Debois or Mr. Sprecher, I should like to see one or the other of you just a moment at the three o'clock recess.

Now Mr. Defendant, have you had an opportunity to examine the document that was handed to you just before the recess, and do you still have in mind the last question that was propounded to you?

THE WITNESS: Yes, Mr. President.

THE PRESIDENT: Then you say yes or no.

THE WITNESS: I can only see from these two letters that it is a question of deliveries of sulphuric acid. Farben supplied a great deal of sulphuric acid, both to Farben itself and to DAG, and now Dr. Muller complains that he is not given enough. One can draw no final conclusion from these two letters, because one can see that there was previous correspondence. Just to submit these two letters without knowing all the correspondence, why shouldn't Farben supply sulphuric acid? I myself consumed a great deal of sulphuric acid, and as you can see from the letter of 13 March, I sent this letter to Dr. Rossmann. This was my sulphuric acid man. He worked in artificial silk. Perhaps there is a letter from Dr. Muller asking me to help him, but this only indicates that I got a copy.

BY MR. ALDRICH:

Q. Let me direct your attention, Gajewski, to Page 5 of the German, the letter of Muller to Wurster, the second paragraph from the bottom, where he indicates that Dr. Muller regularly informs I.G. Farben about the requirements of DAG. DAG needs each month with respect to sulphuric acid. Does that help you?

A. Well, they didn't tell me that, just the acid department com-

earned, and whether I received this information too, I don't know; you can't see that from this letter. I was not a sulphuric acid manufacturer.

Q. Are you initials on that letter indicating receipt?

A. On this letter? Yes, they are on this letter. Why not?

Q. Now, Dr. Gajewski, is it not a fact that from 1932 on Dynamit A.G. regularly furnished you, as a representative of Farben, with the turn-over figures on its munitions production, including the figures relating to the military sector, is that a fact?

A. Consumption figures or production figures?

Q. Turn-over figures on its munitions production, including the figures relating to the military sector of Dynamit A.G.?

A. I can remember only the financial reports that we got annually as far as I recall your document, or our documents in Book 71, there was a list which you had prepared showing the turn-over of the individual products, but I don't know whether that is what you mean.

Q. I show you, Dr. Gajewski, Document NI-14273, which is a photostat of a chart, which we mark as Prosecution's Exhibit 1941, and together with that we offer NI-14499 as Prosecution's Exhibit 1942. The second exhibit is an affidavit certifying as to the source of the chart, Prosecution's Exhibit 1941, at the right-hand corner of the chart under "Hauptgruppe III", that is Sparte III,.....

A. Yes.

Q.at the lower right-hand under "Munitions, Dynamit A.G.", does this chart refresh your recollection that from 1930 on you as a representative of Farben regularly received the turn-over figures of D.A.G. relating to its munition production, including its production in the military sector?

A. Yes, I believe so, and we received the annual financial reports too as Aufsichtsrat members, and as I see this chart was made by the Tax office, Dr. Striss, where all the Farben products, from coal oil,

are listed with their turn-over figures for the years '30 to '42, and it is noted here that from '39 on the turn-over figures of munitions for D.A.G. are not included, but before that they are given, and Dr. Struss probably discussed them in this way. Otherwise I can only recall that the figures probably appeared only in the annual financial statements.

Q. You testified, Dr. Gajewski, that Dynamit A.G. was only formally connected with Farben, and you referred to an affidavit of Dr. Schmid of Dynamit A.G. as supporting proof. I ask you, Dr. Gajewski, do you know that Dr. Schmid of the Dynamit A.G. had stated that the measures taken by Dynamit A.G. in the armament business, whether explosives, munitions, or plastics, were to be considered on the same footing as those merely taken by the operations departments of I.G. Farben. Do you know whether Dr. Schmid made such a statement?

THE PROSECUTOR: Mr. Prosecutor, just a moment. Do you fix the time or the place or to whom such a statement was made?

Q. (By Mr. Auchen) Did he make such a statement to your knowledge?

A. Well, Mr. Prosecutor —

THE PROSECUTOR: How could one person — just a moment. How could one person know whether some person had made some statement? Had he had made it in writing or to some person —

Q. (By Mr. Auchen) Did he make such a statement in writing to you?

A. Mr. Prosecutor, it is my impression that that was not a question but a lecture. That question was too long for me. Would you perhaps divide it up? I really did not understand what you were getting at.

Q. Did you know or do you recall that Dr. Schmid of Dynamit A.G. wrote you to the effect—in the normal course of this dealings between D.A.G. and I.G. Farben—to the following effect: "That the measures taken by our firm," — meaning Dynamit A.G. — "and the armament business

whether explosives, munitions, or plastics, were to be considered on the same footing as those merely taken by the operations department of I.G. Farben." Do you recall any such correspondence or communication from Dr. Schmidt of D.A.G.?

A. I do not remember. I don't know what the operations department of Farben is either. But give me the document. Perhaps we can save time.

Q. I show you Prosecution's - I show you Document XI-11746, which we offer as Prosecution's Exhibit 1943. This document, if Your Honors please, is a very lengthy document. It is the official file of the Supreme German Taxation Court with respect to the turn-over tax litigation of Dynamit A.G.

THE PROSECUTOR: Well, Mr. Prosecutor, do you expect this defendant to examine a 47-page document to see whether or not he ever received such a letter?

MR. MEYER: No, sir. If you will bear with me one moment, I will indicate the purpose and the nature of the document and what I intend to direct his attention to. This file contains: first, the decision of the lower tax court in Germany, holding that D.A.G. was not dependent upon I.G. Then it contains the petition of D.A.G. on appeal, in which they set forth their facts and allegations that they are dependent, then some further petitions of D.A.G., and then the decision of the final court, reversing the lower court and holding that D.A.G. is dependent upon I.G. Farben.

THE PROSECUTOR: How could that refresh the recollection of the witness as to whether or not he received a letter from somebody on that subject?

MR. ALCHAM: The petition of DAG, signed by Dr. Schmid, we think came to his knowledge and was known to him, and that is the question I intend to put to the witness.

THE PRESIDENT: That isn't the question you asked, as I remember. You asked him if he received a letter from Schmid making those statements. Now, in fairness to the witness here, you asked him if a 47-page document would remind him of whether or not he received a letter. Mr. Prosecutor, I don't think we can take time to do that.

MR. ALCHAM: Suppose I just leave that in evidence and withdraw the question.

DR. VON MESTER: Mr. President, I must most decidedly object to this form of cross-examination. I feel that such lengthy documents should have been put in by the Prosecution during the presentation of their case in chief. I do not feel that it is proper to put to the witness during cross examination such documents and then leave them in evidence without putting a question to the witness, to the defendant, as to the contents of this document.

THE PRESIDENT: Mr. Prosecutor, did you withdraw your question and offer this document 11746 as your exhibit 1943? Is that the state of the record now?

MR. ALCHAM: Let me modify this and just reframe the question. I think that will be best.

Q.- Dr. Grjewski, did you receive a copy of the petition filed by DAG which was signed by Dr. Schmid with respect to this tax turn-over litigation? Do you recall that?

A.- To the best of my knowledge and belief, I cannot remember it; I consider it improbable, because as far as I recall I had nothing whatever to do with such tax matters. But I may be mistaken.

Q.- Does the portion of this document NI-11746, Prosecution Exhibit 1943, which relates to the petition of DAG dated 20 November 1940 — are

you familiar with that and does that refresh your recollection that you had knowledge of the contents of the petition filed by DAG?

A.- I have only glanced at it, but I cannot say that I remember receiving this document. I can only repeat: I do not think that I did.

MR. VON METZLER: Mr. President, I must once more object. How is it possible for the defendant to answer this question without reading this lengthy document? I must reserve the right to recall the defendant into the stand after he has read the document very carefully and ask him about the contents of this document. It is quite improper, this way of cross-examination.

MR. SPENCER: Just a minute, Mr. President, if this is an argument directed to your Honors we will be glad to hear from you as to what is a proper manner of cross-examination, but we have talked over with your Honors and with numerous defense counsel as to a proper and fair way to conduct cross-examination, quite apart from relying on our rights, and this whole question of submitting additional documents at this time rather than willing to do it during the rebuttal case, and the whole question of not surprising the defendants late in this case, has been raised before, and if that is being raised now and our informal arrangement being challenged, then I think we are getting into a very basic question that can't be decided too simply here.

THE PRESIDENT: I think the matter is much simpler than that. This defendant cannot be expected to have to answer instantly as to whether or not a 47 page document reminds him of whether he received a letter. In view of the further fact that the document does not purport to be a copy of a letter but a copy of a series of court decisions, the objection is sustained.

MR. ALCHAN: If your Honors please, may I briefly be heard on that.

THE PRESIDENT: No, I think it would be useless.

MR. ALCHAN: I think it is based on a misconception of fact. I don't

mean to argue the decision.

THE PRESIDENT: Very well, I will grant you that privilege.

MR. MICHAEL: May I first inquire, if your Honor please, the nature of your ruling and the nature of the objection that is being sustained?

THE PRESIDENT: We have sustained an objection to a series of questions propounded to this witness as to whether or not this document, ME-11746, which was marked as the Prosecution's Exhibit 1943, serves to remind him as to whether or not he received a certain letter, and we sustained the objection upon the ground that it is unfair to the witness to expect him to answer instantly concerning the contents of a document of 47 pages while he is on the stand undergoing cross-examination.

DR. WOLFE: Mr. President, then in my opinion the Prosecution must withdraw the exhibit just offered, because if the question is not allowed they cannot offer in evidence new documents.

THE PRESIDENT: We will meet that issue after the Prosecution has exhausted whatever efforts it wishes to make to ask a pertinent question concerning this document.

MR. MICHAEL: Let me ask just one question of the witness.

THE PRESIDENT: Proceed.

BY MR. MICHAEL:

Q.- Dr. Engelke, do you recall having received a copy of this document?

A.- No, I cannot remember that.

Q.- Now, I show you ME-13573, which we offer as Prosecution Exhibit 1944, and I ask you whether your initial is on the top of that document?

A.- Yes.

Q.- Does this document now refresh your recollection that you received a copy of the decision of the tax court referred to?

A.- You show me this letter, indicating that received it, but I still don't remember receiving it. Dr. Mueller writes that it was sent to me at

the suggestion of Geheimrat Schmitz, but that's all. Actually, I had nothing to do with the matter. Probably I did receive it and took notice of it.

Q.- Dr. Gajewski, you testified that you only knew of the Four Year Plan as a program of autarchy?

A.- Yes.

Q.- Did you know that Farben advised Hynasmit A.G. and its subsidiary companies to exclude from their annual reports all statements relating to synthetic raw materials and the program in consideration of military economy reasons? Did you know that?

A.- I don't know that. Perhaps you know it better. Perhaps you will show me the document.

Q.- May I show you T-13516, which is offered as Prosecution Exhibit 1944?

THE PRESIDENT: I am sorry, that would be 1945, would it not, Mr. Prosecutor?

BY MR. ALLEN:

Q.- I'm sorry, that would be 1945,

And I ask you whether this document refreshes your recollection that Farben advised DAG with respect to excluding information about synthetic raw materials for reasons of military economy in connection with the Four Year Plan?

A.- This is a letter from Mr. Welfert and Mr. Silcher to the Vorstand of Dynamit-Nobel. Whether I received such a letter I do not know. It simply passes on directives about legal provisions. I don't know what your question means; apparently I did not receive this letter.

Q.- Now, Dr. Gajewski, you testified that except for the fuse production at the camera plant in Munich and the Cologne-Bottumil powder plant, that the production in your Sparte of artificial silks and rayons were exclusively for peace-time uses. Now, Dr. Gajewski, is it not a fact that your Sparte collaborated with the Luftwaffe and the War Ministry for the

purpose of developing, from Agfa silks and rayons, improved parachutes, balloon barrages, fuses and gas masks? Is that a fact?

A.- Collaboration with the Wehrmacht in the field of artificial silk, in the direction of nylon, did take place, for use in parachutes, that's true; but that is a matter of course, because the Wehrmacht and the RWM gave us our production orders for the new Landsberg plant.

Q.- I show you document NI-14003, which we offer as Prosecution Exhibit 1945, and ask you whether that document, prior to the date of the construction of the Landsberg plant, refreshes your recollection that your Sparte collaborated with the Luftwaffe and the War Ministry for the purpose of developing from silks and rayons improved parachutes, balloon barrages, fuses, and gas masks?

DR. VON METZLER: Mr. President, I must again object. This is a very lengthy document. It is quite impossible for the defendant to answer this question now on the stand without reading carefully the whole document. I object.

THE PRESIDENT: Well, as to that the defendant perhaps should answer for himself.

A. Yes, I will be glad to do that.

THE PRESIDENT: I mean to say, Mr. Defendant, if you feel you are entitled to read that letter before you answer the question, you can indicate that to the Tribunal, and we will afford you the opportunity. If it serves to refresh your recollection without reading it or reading it or reading a part of it, that will suffice. You will have to answer that. We can't.

A. I believe, Your Honors, that I can give this explanation very briefly right now. Of course I had overlooked this sort of collaboration or so-called collaboration with the Government. Normal viscos rayon was to be tested by the Government in various fields, and we made our people available for that purpose. As I see here, it was to be used for parachutes, special regulations were prescribed for that, and then drive belts not only for the Government but for other industries, then it was to be tested for balloons, as is done everywhere in the world. But that is something I had really forgotten.

BY MR. ALTMAN:

Q. Dr. Gajewski, you refer to the construction of the new film plant at Landsberg about 1938 as being a normal business expansion. Is it not a fact that one of the main reasons for that new plant was to supply the Luftwaffe with an aerial film? Is that a fact?

A. No. Aerial film? No. We made aerial film; Kodak had the same kind, and perhaps Perutz had them too. But to go there specially for an aerial film — It is possible that we gave some authorities a military pretext so we could get construction going, but we didn't have to go to Landsberg for aerial film. We made all the aerial film at Wolfen.

Q. Now, I show you NI 13530 which we offer as Prosecution Exhibit 1947, a letter addressed to you, September 1938, by the Reich Ministry

of Economy; and I call your attention to the first paragraph, and I ask you whether or not that refreshes your recollection, whether one of the main reasons for erecting the plant at Landsberg was to cover the requirements for an aerial film of the Luftwaffe?

A. No, your question is not right. It was not one of the main reasons, as is quite clear here, and as I said before, from memory; there were several reasons given, very important reasons. When I want to build a plant for color film, I can't tell the authorities at a time like that that I want to make color film. They would have laughed at me. They would have said, "I won't give you any iron for that." But if I go to them and say, "I want to make aerial film, too," then I get it immediately. And besides, a very important reason for our going to Landsberg, as Number 3 says was because of the labor market, so that the burden would be taken off the artificial fiber. The lack of workers would have become even greater by expansion of Wolfen. These are the main reasons. This is the same as with the tax origin company. We pretended something to give us an excuse so we would get up royal. The main reason was to build Landsberg as a color film plant. This was just another reason we gave to the people as a pretext. We didn't make any aerial film at Landsberg.

Q. Now, Dr. Gajewski, do I understand you to say that you intended to deceive the Wehrmacht with respect to the purpose of construction of this plant?

A. Well, deceived — let's call it "window-dressing."

Q. Well, would that have been sabotage in the German Reich?

A. One could interpret it that way. In one case you say I should have committed sabotage, and in another case you say I wasn't supposed to commit sabotage. I am of the opinion that that was just a pretext. We didn't make one square meter loss of aerial film for the Wehrmacht. We were able to produce it all at Wolfen.

Q. Dr. Gajewski, you stated that with respect to contracts which

obligated you to transmit your know-how abroad, you and Farben had no intention of withholding such information. Now, I ask you, Dr. Gajewski, is it not a fact that you and Farben used the Four-Year Plan as a pretext for refusing to transfer such know-how which you were contractually obligated to do? Is that not a fact?

A/ I don't know; maybe we did once. The basic policy was to give our know-how.

Q. Now, Dr. Gajewski, is it not a fact that in the summer of 1939 you made preparations for housing the day men of the Wolfen plant near the factory so that they would be available in the event of war? Is that a fact?

A. That is possible; probably something like that was done on the basis of the regulations. I don't know. That is probable part of the mobilization plans.

Q. I show you document III 13554, which we offer as Prosecution Exhibit 1946. It is a report of a conference of 12 July 1939, where you appear to be present. 12 July 1939.

A. Yes?

Q. May I direct your attention to item No. 7 and ask you whether or not that refreshes your recollection, that at that time you made preparations for housing the day men of the Wolfen plant near the factory, to be available in the event of war?

A. They say you put it is wrong. It says, "it is to be determined whether the essential men living outside can be accommodated in the houses of the Wolfen colony in the A case if transportation is interrupted." These are not day men in the sense that the term is usually used in the regulations. Our taking these precautions is a matter of course. There certainly were such regulations; that is not shown so clearly in such a record where there is just one sentence. This was a measure of self-preservation.

Q. Dr. Gajewski, is it not a fact that in the summer of 1939 you

and the Farben people, Vorstand and I, suddenly changed your purchasing sources, in order that in the event of war you would not have to depend on the enemy group, which you listed then as constituting and embracing the United States, England, and France? Is that a fact?

A. I don't know. I hardly ever took any interest in commercial matters. What the Commercial Department did I really can't remember today. You ask me about 1939. That is almost ten years ago, but I will be glad to give you information if you can show me the document.

Q. Now, I show you HI 13535, which we offer as Prosecution Exhibit 1542, and I ask you whether that document refreshes your recollection, that in August of 1939 you and Farben suddenly changed your purchasing sources in order that, in the event of war, you would not have to depend upon the enemy group, which you listed as including the United States, England, and France. Does that document refresh your recollection?

A. It doesn't refresh my recollection at all. That's one thing. In the second place, I should like to remark that I personally had nothing whatever to do with this. The head of the Central Purchasing Department sent a carbon copy of this list to me. It refers to products which don't affect my Sparte at all, as far as I can see here. If one has official orders to draw up mobilization plans or, as it says here, "for the A case" -- I believe that means war -- it is a matter of course that the purchasing department of such a big firm would consider what to do. The same thing was done in every other country. I personally had nothing to do with it, even if I did get this thing.

Q. Now, Dr. Gajewski, you testified that because of your position in Farben you had to join the Nazi Party. Now, is it not a fact that you took the initiative and even insisted that your application for membership in the Nazi Party be dated back retroactively?

A Yes, I can explain that. I did not say that I was forced to join; I said very clearly that the plant Obmann pointed out to me that it would not be a good idea to stay alone, and I was down to the office and registered, and a few weeks or a few months later, I don't know how long it was, my Ortsgruppenleiter, who was an employee of mine, said to me he did not believe I had reported, I said "Wait a minute, I'll write to them. I have my membership card yet." Something like that I believe, "and tell these people I want it dated back to the time when I registered." I didn't know at that time that all those who registered in March were dated May; that was the reason, nothing else. All the people who registered at that time were dated May. But I never was forced to join. I didn't say that.

Q Were you active in party affairs of the Nazi Party?

A No.

Q Did you attend the Party rallies at Nurnberg?

A Twice, yes, but I should like to remark that I was not a guest. I lived in private quarters, once with my wife at Director Voss's of the RWS, and once I was there with Dr. Pistor, but never as a guest, just privately. I was interested in it.

Q Is it not a fact, Dr. Gajowski, that at the Party Rally in Nurnberg in 1937 you arranged for a special escort by the SS; is that a fact?

A No, I know nothing about that.

Q I show you NI-13568, which we offer as Prosecution Exhibit 1950. I ask you to please look at the second page, your letter of 6 September 1937, to Director Voss, and I ask you whether or not that refreshes your recollection that you arranged for an SS escort at the Party Rally in Nurnberg in

1937.

DR. VON METZLER: One moment. Mr. President, I object to this question; it is not relevant.

THE PRESIDENT: Just a moment, don't answer it. Go ahead.

MR. ANCHAN: As I recall the witness's testimony on direct, if Your Honors please, he went into some length as to his party position and the fact that he had no sympathy with the SS, of his difficulties with the SS as alleged, and it seems to me that that field of inquiry is open to me on cross examination. It certainly goes to credibility.

A I did not say --

THE PRESIDENT: Just a moment. Did you have something to say?

DR. VON METZLER: Mr. President, I don't think that it is relevant to state where the witness was living during his stay at a Weimberg Party Rally. I think that such trifles really are not of any importance in connection with judging the crimes which are charged here.

THE PRESIDENT: The objection will be overruled.

A Mr. Prosecutor, before I go into this question -- which, by the way, I don't understand -- I would like to remark that I did not say that I had trouble or difficulties with the SS; I said I had trouble with the Gestapo. I cannot recall saying anything about the SS either yesterday or today. Now, as to this letter, I don't find anything about the SS in it. Maybe you gave me the wrong document.

Q We will show it to you in a moment. Do you see the letter -- your letter to Director Voss of 6 September 1937?

A Oh, yes, I was alone, quite alone, and I was told that at the Bannholz I was to be assigned an SS escort to be conducted into the city. But I believe that that was

customary. I didn't ask for an escort especially; that is not true. People were escorted from the city limits after showing their pass, I believe; that is the way it happened.

Q How many people received SS escorts to the Party rallies in Nuernberg?

A I don't know.

DR. VON METZLER: Objection; that is not a proper question.

THE PRESIDENT: If he can answer as to how many, he may do so.

A I don't know.

THE PRESIDENT: That is an answer.

BY MR. AMMAN:

Q Dr. Gajewski, you heard Dr. von Knieriem and Dr. Ter Harr testify with respect to the appointment of Herr Morbeck, H-e-r-b-e-r-g, to the counter-intelligence unit of the Vermittlungestelle "W". Now, I ask you, is it not a fact that you also approved that appointment?

A Possibly; I don't know.

Q Did you know at that time that Mr. Morbeck was a member of the Gestapo?

A No, I didn't; I don't remember that anyhow.

Q I show you Document HI-13545, which we offer in evidence as Prosecution Exhibit 1951. It's a letter from you to Professor Solok, September, 1934. By the way, who was Professor Solok?

A Professor Solok was a Vorstand colleague in Frankfurt on the Main. I wrote in a letter to him that I couldn't give any information and advised the raw material commissariat to call on Mr. Morbeck, who was a member of the Gestapo, and, therefore, obligated to give information to government agencies.

Whether that was actually the case, I don't know.

Q Now, Dr. Gajewski, was Professor Solok of the I.G. Vorstand, to whom you addressed this letter, was he an influential member of the SS?

A I can't tell you that exactly. As far as I know, he was not a member of the SS at all. He was in the Reitersturm the cavalry unit.

Q Was that the SS Reitersturm?

A Yes.

Q Do you recall Schieber, the SS Brigadier General, who appeared on the stand here as a witness for Krauch? Did you know Mr. Schieber?

A Yes, I know him very well. He worked for me for years.

Q He was one of your plant managers, wasn't he?

A Yes, and afterwards he was manager of the Dornagon plant of the Leverkusen works combines.

Q Now, you referred to your difficulties with the SS and the Gestapo and, if I understood you correctly, you indicated that these difficulties arose out of your negative attitude to the social policies of the SS. Now, Dr. Gajewski, I ask you, is it not a fact that your difficulties with the SS and the Gestapo arose --

DR. VON METZLER: Objection --

MR. ALCHAN: May I finish the question?

THE PRESIDENT: Don't answer the question, witness.

BY MR. ALCHAN:

Q Is it not a fact that your difficulties with the Gestapo and the SS arose out of a personal controversy which you had with Schieber when you publicly called him a fool; is that not a fact?

DR. VON METZLER: Mr. President, I object to the form

of this question. The Prosecutor said that the defendant stated that he was opposed to the social policy of the SS. As far as I recollect he never made such a statement.

THE PRESIDENT: Well, he can answer for himself. Do you understand the question?

A Yes.

THE PRESIDENT: Then you may answer it.

A I never had any connection with the SS in respect to social welfare problems, and, besides, I never said that I had any difficulty with the SS. I said I had difficulties with the Gestapo.

THE PRESIDENT: Very well, that is an answer; you have answered the question.

BY MR. AMERSON:

Q Did you have a personal controversy with Brig. Gen. Schieber of the SS, and, as a result of that controversy, he reported you to the Gestapo?

A He didn't report me; that was Dr. Hingst and it was the Kreisleiter that I had the trouble with, and, as an example, it was said during the quarrel that it was not right for Mr. Schieber to do such things as make propaganda for using potato leaves and running to the Fuehrer or Hitler and trying to pull the wool over his eyes. That was given in the report. Mr. Schieber was not an SS Brigadefuehrer when he was in Farnen. I believe he was a very little man at that time; he became a big man only later. I had trouble with Mr. Schieber frequently.

Q Now, I show you NI-13570, which we offer as Prosecution Exhibit 1952. If Your Honors please, we haven't the copies made. May we offer it in evidence subject to furnishing copies to Your Honors?

THE PRESIDENT: Yes. You will see that we got the copies. Does Counsel for the Defense have a copy?

MR. ANCHAM: Yes, they have the photostat. We haven't had it translated as yet.

THE PRESIDENT: Very well.

BY MR. ANCHAM:

Q Now, Dr. Gajowski, does that document refresh your recollection that your difficulties with the Gestapo were due almost entirely to your personal controversy with Schieber?

DR. VON NETTLER: Mr. President, this again is a lengthy document, and I must ask that the defendant is allowed to read first carefully this document before answering the question.

THE PRESIDENT: He is entitled to know the contents of the document about which he speaks. If he wishes to read it, he may do so before he answers.

A I can comment on this very briefly. I must answer your question in the negative. Of course I did have the difficulties with Mr. Schieber which are mentioned here and which I have already described, but that was only one point which was involved in his denunciation of Hingst. The other friction that I had with the Gestapo I have also described: helping Jews - as to the trouble with the Kreisleiter, who also reported to the Gestapo, that was not alone because of Mr. Schieber. It was very unpleasant with Mr. Schieber, and he was involved, but he was not the only reason why I had difficulties with the Gestapo.

Q Now, with respect to your discussion of slave labor and prisoners of war, if I understood you correctly, you testified that you knew they were employed in your plant, but that you could not refuse to accept them, and you said you never heard of any complaints of mistreatment. Now, I ask you, did you not know that at your Landsberg plant, where five hundred Russian prisoners of war were employed, about two hundred died from malnutrition and over-work, which the authorities attributed to your management. Did you know that?

A That is not true. No management ever accused me of any such thing. The people did not die because of mistreatment at Landsberg by the firm. As far as I recall, there weren't two hundred but about fifty or sixty; they were Russian prisoners of war, who arrived, as I was told, in an extremely poor condition, and we opposed their employment. We did everything possible to improve the condition of these people. Moreover these people belong to the Stalag; they weren't under us; the Stalag was responsible for them -- the military authorities. I remember only fifty or sixty who died, and we did everything we could for them.

Q Now, I show you NI-13532, which we offer as Prosecution Exhibit 1953, and NI-13534, which we offer as Prosecution Exhibit 1954, and I ask you, Dr. Gajewski, do these documents refresh your recollection that about two hundred prisoners of war employed at your Landsberg plant, Russian prisoners of war, died of malnutrition and over-work at your plant, which the authorities ascribed to your management? Do they refresh your recollection?

A I have to look at it.

THE PRESIDENT: Now, Mr. Prosecutor, I am not quarreling with the way you are conducting this cross examination by submitting a very large number of lengthy documents to this defendant in your cross examination, but after all, there should be some reasonable limitation upon the time that you do consume in a cross examination, and if you utilize this method, you place the Tribunal in a position of exercising some discretion on the length of time that you utilize.

MR. AMERMAN: Would it be helpful to your Honors if I indicated that I expect to be through in fifteen minutes?

THE PRESIDENT: Very well.

A That is just as I said.

Q Now, on Document NI-13544, are your initials on that document? That's prosecution 1954.

A No, I am speaking about 13551; that seems to me more important; that is very important; it belongs with it. These two letters were complaints by plant manager to the Commander of the Armament District Air Force. In these two letters on January and 2nd February, Dr. Hoffmann tells about the management of the Russian camp and complains about it. That is what happened. I received this, and, as you can see at the bottom of page 2, 13551, the letter of 24 January, I even sent this letter on to the Kreisleitungs to draw attention to conditions so that it would be reported to my Gen. The second letter shows that we are accused of being responsible for these conditions, and Dr. Hoffmann objected. Count Schack came to inspect the camp and brought the sergeant with him who as I recall, was the man in charge of the camp, the man with whom we always had great difficulties, because he didn't want to do things as we did. This letter was sent from Hoffmann to Regierungsrat Hermann, the social welfare man of the Berlin-Lichtenberg plant, Berlin SO 36 and I sent him there to bring order into these conditions. I should like to emphasize.....

THE PRESIDENT: You perhaps answered the question, Mr. Defendant; wait for another question.

BY MR. AMERMAN:

Q Dr. Gajowski, in the treatment of your workers, did you not call in the SS to enforce discipline?

A Call in the SS? No, I don't know anything about that. I don't remember calling in the SS.

Q I show you NI-13531, which we mark as Prosecution Exhibit 1955, NI-13553, which we mark as Prosecution Exhibit 1956, and NI-13537, which

we mark as Prosecution Exhibit 1957. Now, after looking at those documents, could you just tell me whether or not they refresh your recollection that used the SS as a means of enforcing discipline among the workers in your plant?

MR. ARKHAM: If your Honor please, we will withdraw NI-13537; we don't have it here, so we will just withdraw it as Exhibit 1957, and the witness has NI-13531, Exhibit 1955, and NI-13553, Exhibit 1956.

THE PRESIDENT: Very well.

BY MR. ARKHAM:

Q Is your recollection refreshed as to the calling in of the SS for disciplinary measures?

A I don't understand. I don't see anything about the SS. I have a letter here, 13531, a letter from Dr. Kaempf, the former factory manager of Bohingen, telling the directorate at Wolfen that because of obvious cases of sabotage, he has decided, after consultation with the State Police, to employ a confidential agent. That is 13531.

MR. AMEREN: I think that is a sufficient answer. I submit, Your Honors, that is a sufficient answer.

THE PRESIDENT: Very well, the prosecutor is satisfied that your answer is complete.

THE WITNESS: But that is just something Dr. Kaempf is telling me — not me but the directorate at Wolfen. Because of sabotage he consulted the State Police. That was his duty.

MR. VON STEINER: Mr. President, I think the defendant should be allowed to comment on the other two letters which have been put to him.

THE PRESIDENT: There were only two letters handed to him. One was withdrawn.

MR. VON STEINER: I beg your pardon.

THE PRESIDENT: Did you wish to say something with reference to this Document 13563, which is Exhibit 1956?

THE WITNESS: Yes. It doesn't say anything about the SS. I don't know what you want.

THE PRESIDENT: That is an answer. He asked you if it reminded you that you had taken the matter up with the SS. You have answered it.

MR. AMEREN: I have just two or three more questions.

THE PRESIDENT: Very well. I think three o'clock would be a good time for you to be through. Go ahead.

BY MR. AMEREN:

Q Now, Dr. Cajewski, if I understood you correctly, you testified that you disapproved of the Nazi racial doctrine, and that at great personal risk, you befriended various Jewish persons, of whom you submitted various affidavits in support. Were these persons strangers to you?

A They were employed by me. They were acquaintances of mine.

Q. Were they friends?

A Friends? No. They were chemists who worked in my plant.

Q Well, do you recall Dr. Ollendorff? Was he a close friend?

A Dr. Ollendorf? Not Dr. Chlendorf, but Ollendorff.

Q That is the fellow whose affidavit you submitted. Was he a close friend of yours?

A Close friend is saying too much. He wasn't, really. He had been colleague of mine on the Vorstand.

Q What was the nature of the assistance that you rendered to him where you put yourself out at great personal risk to befriend him?

A I want to Krimhalsrat Frank, of the Gestapo, personally, and then I believe his sister-in-law was there several times to see me, and I told her that when she went to the Gestapo -- she was there frequently to get him released. She was to make use of the fact that Dr. Ollendorff had no secrets from us, and Dr. Ollendorff could be released. There was no reason to keep him under arrest because of the industrial dagger. I wrote a letter, myself, to the Gestapo at Halle. I took a special obligation on myself for Dr. Ollendorff because of certain tragic circumstances in the nature of his arrest.

Q Now, Dr. Sajowski, is it not a fact that when your colleague of the Foreland, Dr. Ollendorff, came to you as a friend and told you very confidentially that because of his Jewish ancestry, he was going to emigrate from Germany, having told you that in confidence, that you thereupon informed the Gestapo to arrest him and search his house... is that not a fact?

A No. May I explain that? It was like this: Dr. Ollendorff did not tell me that in confidence, but it was generally known that he was going to emigrate. I talked to Geheimrat Bosch about it. He said to me: "Be careful. See to it that no "know-how" gets into other countries in this way, or you will be in trouble." We said: "There has to be a search of Dr. Ollendorff's house, so that we are safeguarded in that

respect." That was all we did.

Q Now I show you Document III 13522, which we offer as Prosecution Exhibit 1937, and I ask you whether that does not refresh your recollection that on the same day when Ollendorff told you that he was going to emigrate from Germany, you wrote the Gestapo and told them to arrest the man and search his house? Does that refresh your recollection?

A That is not the case. I have already explained to you what we did. There is no need to refresh my recollection. Dr. Ollendorff did not say that on the same day; it was quite a while beforehand. It wasn't on the same day. Then it was through my efforts that Dr. Ollendorff got out again. I discovered that Dr. Ollendorff didn't have any material.

MR. ANGLAS: We have no further questions.

THE WITNESS: I'd like to point out that this was our duty in such a case. Dr. Ollendorff was a "secret bearer of the first rank."

BY MR. ANGLAS:

Q One more question. Is it not a fact that Ollendorff was not in the firm for six years prior to that date?

A Yes, but he always received our reports.

Q One more question. Did you ever tell Ollendorff that you reported him to the Gestapo and ordered his arrest?

A No, I didn't.

Q And is that the case Mr. Ollendorff whose affidavit you submitted?

A Yes.

MR. ANGLAS: No further questions, if Your Honor please.

THE PRESIDENT: The Tribunal will take its recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. BORNEHAY: Dr. Berndt in his capacity as defense counsel for the defendant Mann asked me to ask Your Honors to have the defendant Mann excused tomorrow in order to prepare his defense.

THE PRESIDENT: That request will be granted.

MR. SPEICHER: While announcements are being made, I might just say that the Prosecution has filed with the Defense, with the Secretary General and with the members of the Tribunal a written answer or application to the answer of the Defense which answer in turn was to the Prosecution's action with respect to the producing and accounting for certain documents.

THE PRESIDENT: We have that reply.

REDIRECT EXAMINATION

QUESTIONS BY DR. VON LINDE:

Q. Dr. Gajewski, I have a few questions to put to you in re-direct examination.

First of all I want to come back to the Prosecution's exhibit 1936. Do you have that?

A. No.

Q. I will have it passed to you once more. The Prosecution tries to conclude from this exhibit that you were currently informed about everything in the Armament Sector that went on in the D.G. What do you have to say about that?

A. I can only say that to my best recollection the information consisted mainly in my getting the bookkeeping reports and that I was informed to a certain extent by reason of such inquiries as we have here, but that information did not go beyond what I have said.

Q. Dr. Gajewski, was not a lot of the type you have before you an exception or were you currently informed?

A. No, I didn't get such current information. There were exceptional letters.

Q. Dr. Gajewski, if Stand-By Plants are mentioned in this letter and if you are furthermore asked in that connection to assist in making Farben chemists available, did you have to deal with such an affair within the scope of your Sparte III?

What could you do in this respect altogether?

A. Within the scope of my Sparte III I could not undertake anything in the way of making chemists available for such productions for I didn't have such chemists in my Sparte. We did not produce explosives. Possibly we might have released an engineer who was not, however, a specialist in that particular field but just had general engineering knowledge.

Q. Dr. Gajewski, one final question in regard to this document. By reason of your own personal information that you had about certain Stand-By Plants of D.K. in this particular field, could you draw any conclusions about the status of German rearmament as regards the preparation for a war of aggression?

A. No, never. Not the least information is listed here about amounts or any ~~amounts~~, merely Stand-By Plants are mentioned.

Q. Thank you very much. Dr. Gajewski, I should now like to ask you about Prosecution's exhibits 1953 and 1954, that concern the death of a number of Russian POWs in Landsberg.

Dr. Gajewski, when the Prosecution cross-examined you you said that you had been indignant about this fact. Did you take any steps in that connection when you heard about it?

A. Yes, of course.

Q. Could you please explain that to the Tribunal briefly.

A. If I remember correctly, Dr. Hofmann came to see me several times about that matter. I asked him urgently to keep me informed about it. I had also asked Regierungsrat Hermann to take charge of this matter; he was the social welfare specialist in Berlin. If I remember correctly, I even sent him to Landsberg in order to assist Dr. Hofmann in his efforts.

How much Dr. Hofmann objected to this is shown by the two letters that the Prosecution has introduced. I was interested in preventing any charges of our bad treatment from being made against us, for actually this was purely a matter for the Stalag.

Q. Would you please explain that to the Tribunal once more? You said that Stalag was responsible, in your opinion.

A. I want to explain that the word "Stalag" means "Stamm-lager". It was the abbreviation for a military installation over which the Wehrmacht had the sole jurisdiction and command authority. We had no say in that camp at all and only the Army was responsible for the treatment and feeding of those people, that is, the Stalag was responsible.

Q. Then you want to say that the fact of the death of those Russians was not caused through any fault of Farben by neglecting to care for those workers?

A. No, by no means.

Q. The Prosecution also touched upon your relations with certain Jewish employees of whom we have submitted a number of affidavits.

Dr. Gajewski, in connection with the Prosecution's question I want to ask you, were you friendly with those Jewish employees or closely acquainted with them, those people whose affidavits we have submitted, or which ones were friends of yours particularly?

A. None of them were friends of mine. I only got acquainted with the chemists professionally. Of course, I know Dr. Ollendorff better because he had previously been a Vorstand member. Then, of course, I know Professor Eggert very well who was married to a Jewess and I know Professor Eggert's wife very well also. Much as I dislike talking about these matters I can properly claim that it was I who prevented Frau Eggert's deportation to Theresienstadt. It was only I, solely I and only I who prevented this deportation.

Q I now turn to the Ollendorf Case once more. Dr. Gajewski, Herr Ollendorf was a member of the Vorstand of Farben?

A Yes.

Q The Prosecution has submitted a correspondence from which it drew certain conclusions about your conduct towards Mr. Ollendorf. The Prosecution contends on the one hand that his house was searched upon your instigation. If I understood you correctly, you admitted that this search of Ollendorf's house was made at your instigation?

A Yes. It was my duty to do that, much as I regretted it and much as I felt deeply the tragic situation. I knew that Mr. Ollendorf was a secret-bearer of the first rank.

Q You say that Mr. Ollendorf was secret-bearer of the first rank. What does that mean?

A This expression "Geheimnisstraeger" means a person who knows very important industrial secrets and who by reason of the law against the displacement of industrial secrets, it was one's duty to guard these secrets and to see to it that such displacement of secret material did not take place. As a result, upon proper reflection and after discussion with Bosch, I want to emphasize that, too, I requested that his house be searched. I did not request that he be arrested.

Q Just one minute. You are now talking about a discussion that took place with Bosch. Did Bosch give you any directive that you should undertake, something like that, or what happened?

A No, I would not assume that he gave me any instructions to that effect. Bosch said, "Gajewski, be careful, you know what you have to do." I understood that hint.

Q Well, you say that the search of this person's house was undertaken upon your instigation for the reason that he possessed important secrets?

A Yes.

Q Not for racial reasons or because you were an enemy of his? May I ask in that connection, did you assist him in his emigration?

A First, I want to answer your first question. It is out of the

question that I caused his home to be searched because he was a Jew. It is very tragic that because of my attitude towards the Jews - my chief was a Jew, and I helped his daughter when it was already very difficult to do something like. I kept her in my house until she could immigrate to Kenya. I want to emphasize once more, it was very tragic that I had to have a house search conducted here, and it was even more tragic because that house search resulted in his subsequent arrest. You can imagine that I, of course, did everything within my power to make up for this unintentional misery, that I caused. I went to the Gestapo personally, and you don't know how difficult it is when you have to go to the Gestapo as a Party member and have to intervene in favor of a Jew. Nobody knows that if he has not been in such a situation, but I did it, and did everything within my power to have him released. Herr Ollendorf was only in prison 4 or 5 weeks; I talked to him afterwards. He wasn't badly treated. I don't want to say that he was very happy, but he wasn't badly treated. It was, of course, my duty more now than before to do everything within my power to get him abroad. I did that as far as I could, and I wrote to the AMSCG in Binghampton, New York on his behalf that when Ollendorf comes to Brazil they should assist him with money and should give him a contract as an associate. Gschmaret Schmitz got in touch with me, I believe, also helped him in that connection. This misfortune certainly touched me deeply and also my colleagues and my associates. It was horrible.

Q Dr. Gajewski, I want to clarify definitely that you are now stating under oath that you did not intentionally cause Mr. Ollendorf's arrest?

A I am under oath anyhow, but if this is proper, then I shall reiterate once more under my oath that, of course, I did not want this, and the letter does not contain anything about arresting. The letter merely says that "We want to have his house searched"; that this took

such a horrible turn, nobody regretted more than I.

DR. VON METZLER: I have no further questions, Mr. President. I only would like to raise once more the question whether the Prosecution Exhibit 1943 will remain in evidence. If I understood you correctly, Mr. President, you had in mind to rule on this.

THE PRESIDENT: We overruled your motion for the time being, but I think I recall, I am suggesting at least, I intended to, that you might renew it at a proper time, and you are within your rights if you now wish to make such a motion to strike the Prosecution Exhibit 1943.

DR. VON METZLER: Yes, I make this motion, Mr. President, and I would ask for a ruling.

THE PRESIDENT: Then on behalf of the Tribunal, I think it only fair to accord the Prosecution an opportunity to say very briefly why it thinks the exhibit should stay in the record. By that I mean to say, does it have any probative value?

MR. SPEECHER: On the question of its probative value, I want Mr. Anchan to speak. I only like to talk about the broader problem first. The defendant did acknowledge that he had received the next exhibit in order, which did show that he had received a copy. Therefore, I think its relevance here is now shown. It is true it did not refresh his recollection.

THE PRESIDENT: I think you are correct, at least, that is my understanding, that after Dr. von Metzler first made his objection and we permitted the witness to answer, the substance of the defendant's answer was that by the Prosecution's Exhibit 1944 his memory was refreshed to the extent that he stated that he had received Prosecution's Exhibit 1943, which is the Court Judgment, the long exhibit. Now that, as I see it, reduces the question down to this. Assuming that the record shows that the defendant has admitted having received Prosecution's Exhibit 1943, does it have any probative value in the case. Now, I think we can limit that issue down to that point, and if I have not correctly stated my memory of the record, I would also be glad for you

to put me right in this regard. That is how I understand how the record stands. Then Mr. Nathan, you may state why you think your Exhibit 1943 has any probative value in the case.

MR. NATHAN: As we understand it, one of the issues raised by the evidence is whether or not Dynamit A.G. was so substantially controlled by Farben so that Farben can properly be charged with knowledge of its activities. Now, with respect to that exhibit, as you will note from the certificate on the first page which contains an index or a table of contents to the entire document, there is contained the papers filed by Dynamit A.G., the two petitions that are referred to, and one of the signers of that document, Mr. Schmid of D&G, is one of the witnesses whose affidavit the defendants have submitted in support of proof that Dynamit A.G. was totally independent of Farben. Now, the two petitions which are part of that document signed by Dynamit A.G. by Dr. Schmid disclose that he made contrary representations to the proper Reich authorities. The additional data contained in that document, namely, the findings of the Reich authorities as to the legal and factual relationship that exists between Dynamit A.G. and Farben is in our view very competent and relevant evidence on the issue, especially when considered against the light of the representations made in the petitions by Dynamit A.G. of which the evidence shows I.G. Farben had knowledge and approved of. Now, that kind of evidence, a finding of fact by the German authorities, is in our view very relevant and competent on the point in issue, namely, dependence and control, and it is for that reason we think this document which for convenience sake just embodied a series of five separate documents, really five different papers all combined in one, because it deals with the same subject matter - it is for that reason that in our view it is competent for the purpose stated.

THE PRESIDENT: Is it your view that this final judgment of the Supreme Court dated the 26th of November 1943 is an adjudication of the fact of the relationship between D&G and Farben - is that your theory?

MR. ALCHAN: It is. It's an adjudication of the facts which were presented to it, namely, was Dynamit A.G. dependent upon Farben in the sense that it was before that court, and what is particularly relevant to us is, as I have indicated a moment ago, the representations made by the petitioners. It's the petitioners who, with Dynamit A.G. and Farben, approved of that petition as the evidence shows... it's their factual representations in that document, then made, covering a period of 1938 and prior thereto. As you read the document, it is not a factual situation existing in 1944, the date of the decision. It involves the factual situation as of 1938 and for all periods thereafter, and the petitions of Dynamit A.G. ratified and confirmed by I.G. Farben give the factual representations as to the entire corporate setup, operation, and all the other relevant factors from the very beginning of their association, and for those reasons in our view it's very relevant to the issue.

THE PRESIDENT: This is the objection of counsel for the Defense, and they may close with a very brief argument on the subject.

DR. VON METZLER: Well, Mr. President, these documents which have been presented by the Prosecution deal only with a problem of the German Turnover Tax Law. That has nothing to do with the question raised in this trial, whether or not there was a cooperation between I.G. and DAG in the field of German rearmament and in the field of preparing for Germany an aggressive war. Therefore, I really cannot see any relevancy in these documents which, as I said already, deal only with a question of Turnover Tax Law. And I may respectfully draw your Honors' attention to a sentence in one of these documents, that is, the judgment rendered by the First Instance, Oberfinanzpräsident Kern, on page 9, which says that in the field of rearmament I.G. had no influence whatsoever on DAG, and that questions of rearmament are of particular importance for DAG, and I think that is in support of our point of view.

THE PRESIDENT: Was that judgment over-ruled by the higher court?

DR. VON METZLER: Well, but... no, this statement has not been over-ruled as far as I can see. Of course, it is a very lengthy document.

THE PRESIDENT: Let me ask you, gentlemen. Didn't the Prosecution offer this document in its case in chief, or some document pertaining to this same thing? I have a memory of having ruled on the admissibility of a document in the nature of a court decision relating to this same subject matter.

MR. SPEECHER: There was a reference to this matter in other documents. But the actual case based on the appeal with the representations made by D.C. and in connection with Farber, has not been said before the Tribunal before.

MR. ROBERTS: What have you to say, Mr. Speecher, with reference to the observation of Dr. von Weizsäcker that the scope of this judgment involves some statutory law and not the relationship of the parties with reference to criminal?

MR. SPEECHER: Well, there's a certain difference in representations as to facts, both ultimate facts, intermediate facts, and evidentiary facts, made at that time by D.C. and with the approval of Farber made at that time. I don't care for that purpose. They are very interesting when compared with other representations concerning the same facts at this time. The fact that a law suit was involved, and that the issues were right to some extent different, I confess have a certain influence upon how much weight is given you -- give to a particular thing or to the ultimate conclusions for that purpose. But when the intermediate facts are discussed there, just as Dr. von Weizsäcker said, the ultimate facts found before D.C. made the appeal. We are quite certain with the intermediate facts found when we got up on appeal in this case.

JUDGE ROBERTS: Mr. Speaker?

MR. SPEECHER: Yes, Judge Roberts.

JUDGE ROBERTS: I am wondering if we haven't been confusing, in many instances throughout this trial, the question of the exercise of control with the power of control of various affiliated organizations with I.G. This is a criminal case. We are not trying questions of civil control of one organization by another. We are attempting to determine whether

or not criminal responsibility exists. At least in my mind that can't be predicated merely on the existence of power of control. I think in this lawsuit we have wasted months on questions involving the power of control when the ultimate question is whether or not there was an exercise of control, and your document here does, if the question of power of control is relevant, that in my opinion your document is relevant. But I think the whole question is actually beside the point in a criminal case.

THE PROSECUTOR: Judge Lewis, I am very glad you raised this point, because it seems to me that if you have knowledge, and if you have the power to control, and if you don't do anything about it, you are indeed criminal in a most deep and indelible way. And if the law doesn't reach to the man who has the real power, because he said, "Things were running so well, the profits were coming in so well, I just left it alone because Paul Mueller was a very good manager and I didn't have to do anything, to pull Paul Mueller in line. That, he sat with a gun on his hip, every day, every day, and I did not care in information from him as to how things were going, and actually I didn't have to control Paul Mueller, the Vice-President of D.O., in order to control my life. It wasn't necessary." It wouldn't argue anything to the contrary if there was the knowledge, and there are representations that are in this document, as I interpreted it, that Paul was actually as different from any other branch of Ford. So that there were articles in the vast concern of Ford, there was a lot of these guys who did not have knowledge of detail, but he had the edge about of what was going on, so that by continued association with that kind of these guys who were doing, and by giving his support to that continued investment for a period of years — not for years, this — he is sufficiently implicated so that he bears the responsibility for the end result. And so too, have these defendants, up until the time when the German forces started to fall, the wonder of the fact that they still had control.

THE PROSECUTOR: Let me ask Dr. von Weizsäcker a question. Doctor, and you appeared to the Tribunal that you had concluded your re-direct

examination except as to this motion?

DR. VON LETZLER: Except as to this motion, Mr. President.

THE PRESIDENT: Well, the Tribunal will take this matter under advisement and undertake to rule on this motion very promptly.

DR. GIERULICH: Mr. President, would you permit me to make a short remark in this connection. Since this question exceeds the case of Dr. Gajewski and also is very important for other defendants. I believe that the last argument of Mr. Sprecher shows that he is not familiar with German conditions and the practical handling of matters, and since he especially referred to the decision of the higher court I wish to refer to some passages from the latter decision which show quite clearly that the highest German Finance Court identified itself with the point of view about the factual matters thus far, and that it is nothing contradictory to normal conditions in the German economy in this application. May I draw the attention of the Tribunal to the decision of the Higher Finance Court which says, among other things, "The fact that the leading personalities of the petitioners have been given far-reaching independence is not in opposition to the assumption of incorporation because the controlling enterprise by their own resolution intentionally granted this to the petitioners." A few sentences from this Explosives sector is particularly referred to. "If a community of interests agreement was concluded they separated the Cologne-Bottroff interests from the petitioners and took them over. But they left the best possible freedom of decision in their former field of production of explosives."

THE PRESIDENT: Gentlemen, I think that we have heard enough to fairly be appraised of your views. Inasmuch as it isn't necessary for us to rule on it at this moment, in order to keep the case going along we will consider this and very promptly give you a ruling on it.

Any further examination of this defendant?

Then, Dr. Gajewski, you are excused from the witness stand.

Dr. von Letzler?

DR. VON LETZLER: Mr. President, we had in mind to call now the

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witness Jacorre, but, unfortunately, he is not available so far and, therefore, we would ask for permission to call this witness after the examination of the defendant Baergin, who himself has applied for the same witness. Therefore, I think that such an arrangement would serve the interests of both defendants if that would be suitable to the Court.

THE PRESIDENT: There can be no objection to that procedure. Your request will be granted.

DR. VON LESTER: Thank you.

THE PRESIDENT: Is counsel for the defendant Baergin ready to proceed?

DR. SCHUBERT: Dr. Schubert for Buergin. Mr. President, may I first call the defendant Buergin to the witness stand?

THE PRESIDENT: The defendant Buergin may leave the dock and take the witness box.

ERNEST BUERGIN, a defendant, took the stand and testified as follows:
BY THE PRESIDENT:

Mr. Defendant, will you please raise your right hand, say "I" and state your name for the record?

A. I, Ernst Buergin.

Q. Now repeat after me the oath: I swear by God, the Almighty and the Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. SCHUBERT:

Q. Dr. Buergin, please describe briefly your background and your home.

A. I am in my 63rd year. I come from Melen, a small place near Basel on the Upper Rhine. My ancestors, who had been living in the same place for over 300 years, were exclusively farmers, wine cultivators, butchers, innkeepers, and peasants. During the latter decades of the 19th century, this region too was industrialized. The soil resources were utilized and dams and power dams on the Rhine were built, which promoted the establishment of chemical industry. In my hometown Melen, we had the first soda-salt factory of Germany. A few kilometers upstream on the Rhine, on the other side of the Swiss city of Rheinfelden, on the Baden side, a new town developed. It was called Badisch Rheinfelden.

Next to good limestone, gypsum and quartz, we had certain salts there, stone salts, and potash, phosphate, and other ores in the ground. The chemical factory of Grüsskirch-Elektron firm which was later merged with Farben operated a chlorine electrolysis plant near Rheinfelden. They utilized the water power of the Rhine and the deposits of stone salts.

Q. Did this influence your career in any way?

A. Yes. It was my intention to work in utilizing the soil resources, although I did not utilize the surface resources as my ancestors had done. I studied chemistry and especially electro-chemistry; I studied first in Switzerland and later in Berlin where I concluded my studies.

Q. Where did you then become active?

A. Before the First World War broke out, in 1914, I worked in two smaller firms outside of Farben as an experimental chemist in the electro-chemical field. I participated in the World War itself from the 1st to the last day in almost all theatres of war, as an Artillery officer.

Q. What did you do after the First World War?

A. After the First World War, the economic situation had become so bad as a result of the Versailles Treaty that I was not working for two years. In 1920, I joined the firm of Grüssheim-Elektron in the Rheinfelden plant as plant chemist.

About three years later, I was put in charge of the plant management. I emphasize that as far as the number of workers and employees of the plant is concerned and compared with the other Farben plants the plant was a very small one.

Q. What did you do in Rheinfelden?

A. My activity as plant manager and factory leader first of all served the remodeling and the expansion of the plant. The power plant Riedorf-Schwarstadt was built at the time; this was a Swiss concern. It furnished us with additional power supply and as a result of Farben's participation in this power plant enterprise, I joined the latter's Verwaltungsrat. In the Rheinfelden plant, as a result of the good collaboration between technicians and workers, we were able to consolidate the difficult circumstances created by the war and by the inflation.

In the course of time, the trouble-makers left on their own and gradually conditions were created in the plant that one might almost call patriarchal conditions. Very nice successes were achieved in the plant. Production increased in the course of one decade, and the personnel had been reduced to almost one-half. However, the wage scale

remained the same. That meant that the staff of workers and employees were paid very good wages and that one could notice that.

Q. Were you politically active at that time?

A. Yes, I was a member of the Deutsche Wirtschaftspartei, German economic party. As such, I was in the city administration of Rheinfelden, I was city councillor.

Q. Dr. Burgin, what was this German Economic Party, Deutsche Wirtschaftspartei?

A. That party was, as the name implies, purely an economic party and was politically in the center.

Q. Did you hold any other offices?

A. As a plant leader, one has to assume all sorts of offices. I had gotten into the employers' association, into the association of the sick benefit funds, and especially into the Rhine navigation association of Konstanz which had as its aim to make the Upper Rhine from Basel to Konstanz navigable for large ships. And then we also succeeded in getting the large Rhine barges up to Rheinfelden so that the plant practically was now connected with the ocean. The freight rates for the heavy chemicals produced were reduced to a considerable extent.

Q. When and for what reason did you go to Bitterfeld?

A. I never learned the reason but in 1931, Dr. Rosbach died. He had been a Vorstand member and the director of the Sued plant at Bitterfeld. A little time thereafter, Dr. Pistor appointed me as his successor. Probably my special knowledge in the field of electrolysis of chlorine and alkalis was decisive for that appointment. Bitterfeld had the largest chlorine-alkaline electrolysis in Farben.

Q. You just mentioned Dr. Pistor's name. Can you state briefly what position Dr. Pistor held in Bitterfeld?

A. In 1931, Dr. Pistor was the leader of the plant combine Central Company. He was the only Vorstand member because other Vorstand members had retired.

Q. As far as commercial law is concerned, did your position change in any way because of the new job that you took over?

A. No, the Bitterfeld Plant was much larger than Rheinfelden. I still remained a Prokurist, which I had been since 1925.

Q. Can you state briefly to the Tribunal what plants belonged to the Sued-Interprize whose direction you assumed?

A. The plant Sued at that time comprised mainly electro-chemical enterprises producing chlorates, phosphorus, caustic potash, chlorine, chromates, manganates, graphite, potash, and hydrochloric acid, and a number of products connected with these chemicals on a large scale. The plant worked for export to a large extent. The basis for these electro-chemical products was provided by the soft coal which we had on our doorstep. That was gained aboveground, and it operated the power plants, and also the basis was provided by the salt of the alkaline mines which were found near Bernburg and Stassfurt of world renown. They were the powers for these particular mines.

The Bitterfeld plant had been constructed during the first years of the 1890's, to utilize the chlorine electrolysis. The Griesheim process was the leading one in the world for two decades. In Bitterfeld there was a certain electrolytical process for the production of magnesium metal, and there was also a plant for making the process profitable, to make high grade plastics and form of alloys. The magnesium plant was really Dr. Pistor's field. This man concerned himself for decades with the development of this metal. He put these plants under my charge, for administration only, and he emphasized that these plants should retain their independence that they had had up to that time.

Within the Bitterfeld plant, there was a number of other factories that had their own independent leaders. They were all under the charge of Dr. Pistor. This was an organic department for chlorinated organic products, for plastics.

There was a department for nitrogen that worked on primary ammonia

from Leuna, and a few other smaller departments were there too.

Q. What was your task in the Bitterfeld Plant Sued?

A. My main task in the Sued plant was again the remodeling and modernization of the obsolete processes and plants. The magnesium mine and the chlorate plant which were comparatively modern, being administered by Dr. Maschel. He had a number of young, technical specialists who knew the development of the new magnesium process, and who had undertaken that as their special work for about 10 years, and they had started a new plant in Bitterfeld.

The shops where the electron alloys were being developed were under the charge of a number of skilled metallurgists who had been working for a long time already in direct contact with the Vorstand, and the Vorstand was especially interested in this particular branch developed by the Schkopau personnel, and personally supervised and initiated personally the developing of this process.

I could, therefore, devote my attention first of all to the old plants that were staffed with new department chiefs. The task of remodeling the plants was made very difficult because of the economic depression. Many plants were running only at two-thirds or one-half of their normal capacity and they suffered from their economic results. The situation literally was hopeless. Many people were dismissed, they had to work short weeks; the salaries were reduced, and I was not an exception either, although my work had increased considerably. The plants were operating at a loss. They were then especially investigated and the research expenditures were reduced considerably, for instance.

Q. How did your position develop until 1936 when you became a member of the Vorstand?

A. In the course of time the anorganic departments were added to my work in the Sued plant, and dyestuffs were added to my work as well. In 1936, when Dr. Jaehne resigned, I also took over the Nord plant, --

besides situated approximately one kilometer to the north of the plant
Jued.

This plant had been originally a competitive firm, belonging to
the assassinated Dr. Rathenau, and in the 1930's reverted to Gries-
heim Electron. It also produced chlorine and caustic potash to a
large extent. To a smaller extent certain products were developed that
were of special interest. They were, for instance, certain metal for
cigarette lighters, Cyacon powder for flash bulbs, metals such as cal-
cium and barium, and then stones which were polished as jewels that
were used in watches, and for precision instruments, and also for cos-
tume jewelry, such as amethysts, sapphires, rubies and emeralds, but
the polishing plants were not in Bitterfeld. They were in the remain-
ing parts of Germany.

In the Nord plants organic acids were also produced, formic acids,
formates, oxalates, in all of its various stages of purity, and molyb-
denum and tungsten were also produced, and pure metals were derived
from these alloys for the purification of steel; hyperchlorides were al-
so produced, and the famous Losantin belongs in this class.

Q. Did this increase of work change your position as far as com-
mercial law is concerned?

A. No. I remained a Procurist. That was in 1933-34 I was decor-
ated with the title of a Deputy Director, but I did not get any other
functions as a result.

Q. Have you finished your answer?

A. I think that is enough.

DR. SCHUBERT: Mr. President, at this stage I want to introduce from
my Document Book No. 1, the first document, which is No. 41, to be found
on page 1 of Book 1, and which will become Exhibit 1. This is a certifi-
cate of the local court in Frankfurt, about the entry of Dr. Buergin in-
to the Commercial Registry, from which it can be seen that on the 1st of
January, 1938, he was appointed a Deputy Vorstand member, and at the

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same time, his Prokurist powers were withdrawn, that is to say, until the first of January 1938, he was a Prokurist.

I have to make a correction. This document should be Exhibit No. 2, because I have already used up Exhibit No. 1 during the interrogation of the witness Belandier before the Commissioner.

Furthermore I offer Document No. 20 as Exhibit No. 3. This is an excerpt from most important German commentary on commercial law from which it can be seen that the Prokurist, even when he receives the title of director or deputy director, still remains a Prokurist and does not become a Vorstand member.

Dr. Buergin, I now pass up to you a map of the factory which I intend to submit to the Tribunal as so-to-speak basic information and not as evidence or exhibits.

Would you please explain the locality of the individual plants to the Tribunal for their information?

A. May I start at the railroad station where you can see all the railroad tracks; to the east there is the small town of Bitterfeld, with about 25,000 inhabitants. West of this station there is the territory of the Sued plant which is surrounded by a wreath of tracks. The yellow places are the camps for the workers. North of there is the Nord plant, and at the very top there is a part of the dyestuffs plant of Wolfen. Unfortunately it was impossible to get an entire map.

A little further to the top there would be the film plants under Dr. Gajewski's charge. You find certain designations of aluminum plants I and II that are situated between these plants. And at the very left there is another electro-chemical plant that did not belong to Farben.

The zig-zag lines are the soft coal mines that were again covered up.

Q. You mentioned the fact that Dr. Pistor was the director of the so-called Plant Combine Central Germany. Outside of the plants that you mentioned in Bitterfeld and Wolfen, did any other plants belong to the Plant Combine Central Germany?

A. Yes; Rhinfelden belonged to this combine. Then the Doeberitz plant belonged to it, near Brandenburg, on the Havel river. Then the newly constructed plants Aken and Stassfurt, and the preliminary plant Teutschental, near Halle. And the Dolomite quarry Scharfeld in the

Harz mountains.

Q. What position did you hold before you became a Vorstand member and Dr. Pieter's successor in regard to those plants that were outside of the region Wolfen-Bitterfeld?

A. Again when I was called in it was done because I was a Prokurist and immediately below the Vorstand, and that I had no independent position. However, your question probably refers essentially to the newly constructed plants Aken, Stassfurt, Teutschenthal and Scharzfeld, the plants that were erected for the production and the processing of magnesium. These magnesium plants, including Bitterfeld and the preliminary products in Teutschenthal and Scharzfeld --

THE PRESIDENT: Dr. Buergin, when you can suspend at some point where you can take on in the morning, we should like to recess. Can you remember where you are in your description and go on tomorrow?

A. Yes, your Honor.

THE PRESIDENT: On account of another engagement it is necessary that we recess just a bit early this afternoon. The Tribunal will rise until nine o'clock tomorrow morning.

(The Tribunal recessed until 0900 hours, 4 March 1938.)

Official Transcript of Military Tribunal VI in the
matter of the United States of America against Karl
Krauch, et al, defendants, sitting at Nurnberg, Germany,
on 4 March 1948, 0900-1645, Judge Curtis G. Shake,
presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Make your report, Mr. Marshal.

THE MARSHAL: May it please Your Honors, the defendant Haefliger is
absent due to illness. The defendants von Schnitzler, Duerrfeld, Ilgner,
Mann and Bueteflech are excused by the Court.

THE PRESIDENT: Any preliminary announcements from the defense? Any-
thing from the Prosecution?

MR. SPRECHER: No, sir.

THE PRESIDENT: Then the defense may continue with the presentation
of its evidence.

ERNST BUERGIN - Resumed

DIRECT EXAMINATION - Continued

BY DR. SCHUBERT:

Q Dr. Buergin, we left off yesterday when I asked you about the posi-
tion you held up to 1938 in regard to those plants outside of the Bitter-
feld-Alfian combine. I believe that you had not quite finished your
answer. If you have anything to add, please do so now.

A The plants producing magnesium were consolidated under Dr. Moschel,
who was an experienced magnesium expert and also a prokurist. I then
had the threads of the inorganic plants in my hands, and there were also
a number of other department offices parallel to me, under the Vorstand.

Q Did you have any function before 1938 in the administration of the
aluminum plant which belonged to the Metallgesellschaft and to Farben,
each 50 percent?

A No, until 1938 the interests in the Aluminium-Werke
G.m.b.H. were represented by Dr. Buhl and Mr. Weber-

Andreas of Frankfurt.

Q Were you a member of any commission of Farben?

A Since approximately 1931 - I don't remember the date exactly - I was a member of the chlorine sub-commission which dealt with the technical questions of the production of chlorine and caustic alkalis. Chlorurko was a sub-commission of the so-called Anko, the Inorganic Commission, which was directed by my colleague Dr. Kuchne. In 1936 approximately - I don't know the date any more - I was appointed chairman of the Chlorurko. I was a member of the Anko automatically.

Q When were you appointed a member of the Vorstand?

A On 1 January 1938, as the successor to Dr. Pistor, who had reached the age limit. At first I was a deputy Vorstand member, but in May 1938 I was appointed a regular Vorstand member, since the position of deputy Vorstand member was done away with as a result of the new corporation law that was issued at the time. When Dr. Pistor resigned, the joint central social welfare department for the works combine of Berlin and Central Germany, which was directed by Professor Kuschmann, reverted to the direction of the senior Vorstand member, Dr. Gajowski. Otherwise, my position was the same as that of Dr. Pistor.

Q After your appointment to the Vorstand, were you called to any other boards within Farben or outside of Farben?

A By my appointment to the Vorstand I also became a member of the Technical Committee, the so-called TGA, and the Chemicals Committee, which was called ChemA. I have already mentioned other positions, such as the Verwaltungsrat of the power plant at Ryburg-Schweersstadt; I joined the Verwaltungsrat of the Sociedad Electroquímica Flix in Barcelona, Spain, as the successor of Dr. Pistor, after the civil war was over. In the course of the years, I became a member of the Aufsichtsrat in the I.G.-owned Deutsche Grube; Deutsche Magnetik A.G. in Munich, a company in which Farben had holdings; then in the Nordisk Leichtmetall in Oslo, in which Farben also had holdings; then I was a member of the advisory council (Beirat) of the Westphälische Leichtmetallwerke

in Sachred, where Farben owned 50 percent, and which was a small tin rolling mill; also a foundry belonging to Farben, Metallguss in Leipzig, where I was the chairman of the advisory Council.

Q Did your position in Farben change otherwise after your appointment as a regular Vorstand member?

A No, it didn't change in any other way.

Q When and how did you first come in contact with the Four Year Plan?

A If I remember correctly, in 1936 I was given the mission by the Vorstand to get in touch with the Reich Office or Staff for Economy and Foreign Exchange - I believe that was the name - in chlorine questions - and I had to make available to them all our material about construction sites, raw materials, and production capacity. This material came from my technical secretary's office dealing with the affairs in the Chlorurko. As I have already said, I was the chairman of that commission.

Q For what purpose was this material requested?

A The Four Year Plan needed certain statistical material, which it could not get from the Statistical Reich Office, in order to get any sort of a survey about the chlorine-producing industry. I could furnish only material available in Bitterfeld; that is Farben figures. To supplement these figures, I directed that a questionnaire be drafted and circulated to all of the German chlorine industry. The evaluation and utilization of this questionnaire was done solely by the officials and my mission ended with the drafting.

Q Did you get any further missions from Krosch office?

A No. As far as the Four Year Plan needed any further statistical material, it was furnished by my secretary.

Q Did that constitute all your connection with the Four Year Plan?

A Yes.

Q You, Dr. Baergin, in Prosecution Exhibit 475 in Book 21, page 19 of the English, which is a list about the expert delegates of the G B. Chem, you are listed as an expert on chlorine and caustic soda plants.

Did you ever get an appointment to become such an expert?

A No, I don't remember that.

Q Did you belong to a technical group of the Economic Group Chemical Industry?

A Yes, in the sub-group soda, caustic alkali, chlorine, hydrochloric acid and allied products, under a director of the Solvay Company, I was the chief of the technical committee of that particular sub-group.

Q Is it because of your position in this technical committee that you have mentioned that you are listed as an expert of the Gebrüder in this Exhibit 475?

A It is possible that I was one of those 50 or 60 experts.

Q What were your functions as a director of the technical sub-committee in this particular technical group?

A As far as I know, I had an advisory function, in cases where the chlorine industry might consult me on technical questions.

Q Were you ever consulted?

A I remember one instance when a chlorine firm in Wismar was to have its raw materials taken away, stolen by a friendly neighbor. At that time I advised the factory chief and he was able to straighten matters out with that advice.

Q Did that exhaust your activity as a chairman of this technical committee?

A Yes, I cannot remember any other activity.

A Now I should like to offer Document 8 from my Document Book No. 1, as my Exhibit No. 4. This is an affidavit of a certain Dr. Gerhard Ritter, who terms himself as Krauch's secretary. From the document, I should like to quote briefly from Page 16 one sentence: "I had known Dr. Guergin. I saw him two or three times at Krauch's office, and know that he was only rarely called to Guergin. This advisory activity did not take up even one per cent of his entire activity."

I now turn to your position as Military Economic Leader. Were people among your staff appointed auxiliary economic leader before you already?

A Yes, I had about ten people from my staff who were already Military Economic Leaders.

Q When were you appointed Military Economic Leader?

A In 1943, retroactively to 1942. That was because in 1941, the armaments headquarters had requested Farber to make papers available as basis for my appointment as Military Economic Leader. At that time, since I did not particularly care for this appointment which was only of a titular nature, I left matters rest for quite some time. However, then questions came once more, and as a result of these questions, I made available the data for the inquiries because I didn't want to seem obstinate.

Q This testimony is confirmed by two documents from Book I that I am now going to offer. That is Document No. 44, Page 4, of the Document Book, which will become Exhibit No. 5, a letter of the headquarters of the Halle Defense Zone of the 26 February 1941 in which the customary questionnaire is requested; and Document No. 43, which will become Exhibit No. 6, a letter of the Armaments Inspectorate in Magdeburg, of September 1943. It can be seen that the appointment contained in this

letter exhibit took about two and one-half years to be made. When you were appointed Military Economic Leader, were you given any special functions or authorities or tasks?

A No. In the course of 1943, the chief of the regional economic office, Magdeburg, appeared in my office and announced to me that I had been appointed, and in addition to the document of appointment he gave me a pin and another one for my dress suit. I wasn't given any particular mission and I was never addressed with my title of Military Economic Leader, nor was I ever consulted or called in in this capacity.

Q Dr. Buergin, were you a member of the NSDAP?

A Yes, as of the first of May 1937.

Q Can you say very briefly for what reason you joined the Party?

A Personally, I had no reason to join, but in order to prevent that there be any wedge driven in between the workers and the leaders of the plant by the Party, I accepted the invitation to join the Party. After all, this didn't mean any change in prayer books, and I didn't do anything different after I was changed from a member of the people to a member of the Party ("vom Volksgenossen zum Parteigenossen".)

Q Did you ever hold any office in the Party?

A No, none.

Q To support this testimony, I want to offer Document No. 9 in my Document Book I, on Page 7, which will become my Exhibit No. 7. This is the affidavit of a Swiss citizen by the name of Fehr, who reports about Dr. Buergin's critical attitude towards National Socialism, and about the fact that he was persecuted on two occasions by the Gestapo. The Swiss citizen was gotten out of this trouble only because of Dr. Buergin's intervention, and Dr. Buergin made this trip to Switzerland possible.

Another document is the following, No. 58, which will become Exhibit No. 8, an affidavit of Wilhelm Jack, about the support given to church institutions and social welfare organizations by Dr. Buergin.

Dr. Euerlin, the Prosecution submitted a series of exhibits in Document Book No. 30 showing the development of the light metals production, especially the development of magnesium. When did you first come in contact with the magnesium field?

A This happened in 1931 for the first time when I moved from Rheinfelden to Bitterfeld.

Q What was the economic situation at the time in regard to magnesium?

A Magnesium, or its chief alloy, the electron, which had reached a considerably high production during the First World War and which was not objected against by the Allied Military Commission afterwards and which had taken an upturn towards the end of the 20's, then decreased to a low of approximately 1200 annual tons in production, when a production capacity three times this amount was available. Geheimrat Bosch, the head of Farben, was of the opinion that this metal should be produced, and he supported the endeavors of the technical men who saw their life's task in introducing this lightest of all usable metals on the market. Foundries and processing works had been sufficiently prepared for the use of this metal, and already in 1930 it had been planned to increase the profitability by increasing the production to about 8,000 tons. These plans were, however, completely frustrated by the depression.

Q The testimony of this witness is confirmed by an affidavit in Document Book III. This is Document 63, an affidavit of Karl von Heider, who gives the minutes of the enlarged inorganic committee of Farben, which was later called Chem, the Chemicals Committee, dated 27 March 1930. In this meeting, it was discussed increasing the production to 500 tons per month -- that is, 6,000 annual tons in Bitterfeld. I offer this Document as my Exhibit No. 9.

Can you tell me, Dr. Euerlin, where the magnesium produced at the time when you came to Bitterfeld was?

A. I am not informed about the details of its sale, but I know that approximately 70% was processed in foundries and their products were then used in automotive and airplane industry. In the advertising pamphlet a large number of uses were given to which this might be put. The tendency was to introduce the magnesium alloys on the market on a large scale to all firms processing light metals.

Q. In 1934 the magnesium basis was broadened. According to the prosecution's Exhibit 198 in Book 5, page 74 of the English, which is an affidavit of Struss, Farben in 1933 received an order from the Luftwaffe to build a magnesium production plant in Aken. Did you participate in the negotiations with the Luftwaffe about Aken?

A. No, I did not participate.

Q. When did you, for the first time, learn that this plan was to be constructed?

A. I learned that at the time when it was begun to work out the plans.

Q. Did you have any direct functions with the planning or the construction of this plant?

A. No, I didn't have such.

Q. Did you learn anything about the contents of the so-called Aken contract concluded between the Wehrmacht and Farben which is Prosecution's Exhibit 573, in Document Book 30, page 3 of the English, about the bringing about of the financial arrangements and the approval of the necessary boards of Farben for the construction of this plant in Aken.

A. I saw this contract only here. Since, according to regulations, this contract was to be kept secret, I didn't learn anything about it previous to that.

Q. At this point I want to introduce my Document 5 from Document Book 3 which will become Exhibit 10. That is to be found on page 38 of the Document Book. It is an affidavit of Hans Friedrich from which I want

to quote a brief passage on page 36. Friedrich says, I quote:

"The preliminary work and the planning of the building was naturally done by specialists for magnesium production and processing; Dr. Burgin was not one of them. I also remember that at the time we younger IG engineers and chemists noted Dr. Burgin's obvious reticence as far as the Alton construction was concerned."

Dr. Burgin, his observation of secrecy that you talked about was this kept up about another construction of a magnesium plant in Stassfurt? This is Exhibit 574 of the prosecution in Book 30. Was this secrecy also maintained towards you in the same manner?

A. The Stassfurt contract was also handled according to the regulations about observing secrecy and I did not learn about it.

Q. In Prosecution's Exhibit 235 in Book 2, page 164 of the English, the witness Struss says that the construction sites in Alton and Stassfurt - that is, in Central Germany - had been chosen by the Luftwaffe so that the magnesium plants might be as far distant from the German border as was possible. Can you say anything about this?

A. The construction of these plants in Stassfurt and Alton has nothing to do with the decentralization of factories from the West to Central Germany. These production plants had to be constructed where the raw materials are found for reasons of transportation. Besides that, the proximity of a cheap source of electrical power is of decisive importance. Both prerequisites were given in the case of Alton and Stassfurt. The raw material, chlorine magnesium, is to be found only in Central Germany and Dolomite was mined on the Harz Mountain. Added to that, was the favorable electrical current position on the basis of Central Germany's soft coal.

Q. The Prosecution's Exhibit 578 in Book 30, page 33 of the English, is a file note of Dr. Pistor about a conference in the Reich Ministry of Aviation on the 6th of February, 1934. From the file note it can be seen that the firm of Wintershall was a competitor in the magnesium

field. Do you know when Wintershall began to concern itself with the production of magnesium?

A. The advertising pamphlet "30 Years Elektron" gave me a hint as to the time when these people began producing magnesium.

Q. Was Wintershall an unpleasant competitor for Farber?

A. Yes. First, because Wintershall had their own raw material in their own mines, Pieschitz, and then also because they turned to the ceiling price in utilizing magnesium. That is to say, Wintershall specialized in those types of magnesium which were very high priced, and then, undoubtedly, Wintershall was in the special favor of certain authorities.

Q. Do you know what part this Dr. Bader of the Army Ordnance Office played, who is mentioned in this file note?

A. Yes. Bader was formerly in the Reich Ministry of Aviation. He then was transferred to the Army Ordnance Office. In the Reich Ministry of Aviation, he had acquired detailed knowledge about our magnesium plants and certain events made us conclude that he supported Wintershall in an unfair way. This enabled Wintershall to utilize experiences of Farber in the proceeding field without any previous arrangement with us.

Q. Dr. Pistor says in this file note mentioned that during the meeting concerned there he had replied to Dr. Bader that 150 monthly tons of magnesium production - if Wintershall was given such an order - would be sufficient to cover the entire demand of Germany during peace time. Can you explain this remark of Dr. Pistor?

A. It is understandable that Dr. Bader was very excited because of Dr. Bader's activity. This can be seen from the way this file note is formulated. If during this discussion he mentioned an amount of 150 monthly tons as being sufficient to cover Germany's peace time demand, then he certainly colored these matters unfavorably for reasons of competition. The figure is to be understood probably in this way. That it gives the amount necessary for a profitable production only in the high priced field,

a field for which Winterhall was particularly adapted. Besides that, this figure certainly doesn't cover export which, because of the original monopoly position of Farben in Germany, always amounted to a considerable part of our production. We had an export of between 200 and 400 monthly tons.

Q. In this connection I offer Document 56 in Book 3. That's to be found on page 41 of the document book. This is an affidavit of the former General Albert Kesselring who was in charge of this particular meeting mentioned. I quote from the affidavit on page 43 of the document book. Kesselring says:

"The figure of 150 tons as Germany's production requirements was chosen arbitrarily in my opinion, in order to render the example of the 150 tons order for Winterhall more drastic."

I offer this document as my Exhibit 11. Among the Prosecution's Exhibits 575, 576, and 577, certain events about a community of patent agreements between Farben and various other German firms producing and processing light metals are mentioned. Were you concerned with the conclusion of the community of patents agreements?

A. No, I heard about this subsequently. However, it is worthy of note because this is a typical example how the authorities already at that time began to order private enterprise around.

Q. In Document Book 5, the prosecution offered Exhibit 107, page 108 of the English. This is the letter of a certain Mr. Konrad, a proletarian in Bitterfeld, of 31 June 1936, containing suggestions about the imminent operation of the plant at Stassfurt that was, at that time, still closed down. Do you remember whether you saw the letter at that time?

A. Yes. After I had it submitted to me, I remembered. Mr. Franz showed it to me. As far as I know, Goering made an appeal to the entire population at the time to make suggestions to support the Four Year Plan. Konrad refers to this appeal. He was a bookkeeper in the assembly department of Stassfurt. He mentions this at the beginning of his expose. Mr. Franz, who was the chief of the bookkeeping department in Bitterfeld, was Mr. Konrad's superior. When Franz showed me this letter I advised him, as far as I remember, to ignore this letter since the chief of the Stassfurt plant, as the competent authority, did not, on his part, do anything with Konrad's opinion, to report this to the Vorstand. I believe that I asked Mr. Franz at the time to throw the letter in the waste paper basket.

Q. Did Farben in Bitterfeld also produce aluminum, Dr. Buergin?

A. There were in Bitterfeld plants for the production of aluminum. This was the firm of Aluminiumwerk, G.m.b.H. That was a plant combine in which Farben and the Metallgesellschaft participated, each with 50 %. The expenses of the enterprise were carried one-half by the participating firms and also the profits from the sales. This enterprise had two to four business managers that were appointed on equal terms by Farben and by Metallgesellschaft. The current business was transacted by these business managers. Resolutions of special significance, however, that is to say, orders for expansion of the plants - were done by the assembly of the share-holders. In these meetings, Farben and Metallgesellschaft were again represented on equal terms. From the time that I became a member of the Vorstand and later, leader of the plant combine Central Germany, I was one of the representatives of Farben in the stockholders' meetings instead of Dr. Fister.

Q. In this connection I offer from my document Book 1, Document 2 to be found on page 28. This will become Exhibit 12. This is an affidavit of Rodeaux about the construction of the Aluminiumwerk, G.m.b.H and their independence and the amount of their production. How were the products of Aluminiumwerk G.m.b.H sold?

A. The products of the G.m.b.H were sold exclusively by the A.V.G., the Aluminum Sales Corporation in Berlin, and Farben itself had to buy their required amounts at the customary terms with the A.V.G.

Q. The Prosecution placed a number of production plans concerning light metals and their projects in the scope of the Four Year Plan. For instance, the new production plan, the accelerated plan, the Schnell-Plan, etc. During your entire activity in Bitterfeld did you know anything about these plans?

A. Besides their names I did not learn anything about these official plans. It can be seen from the documents that these were top secret Reich matters and, accordingly, industry could not be generally informed about it.

Q. In the chemical production plan of 1943 it is mentioned that a production capacity of 100,000 annual tons of magnesium and 1 million annual tons of aluminum should be aimed at. Actually, this production was never reached as we have seen from the documents. Can you explain briefly in this connection what level the production of magnesium and aluminum had reached on the 1st of January 1938, when you entered the Vorstand, and how conditions developed later? Please be very brief?

A. At that time, the magnesium production was rather constant: approximately 11,000 tons. This remained like that until 1939. The aluminum production, as far as Farben participated, was approximately the same size. Further expansions were undertaken only after the war had broken out. Our participation in aluminum in Germany's total production was between 7% and 8% during the entire period after the world war.

Q. In Prosecution's Exhibit 607, Book 32, page 54 of the English,

the witness Struss mentioned expenditures that were made by Farben between the years 1932 to 1934 amounting to 296 million Reichsmarks. Besides that, he expresses such figures in Book 2, Exhibit 47. Can you say anything about the fact whether these figures are correct? What have you to say about these figures?

A. These figures do not apply to the magnesium and aluminum production.....

Q. Investments?

A. They constitute investments for production of aluminum and magnesium. For the mines, the foundries for the material, production not even one-half of this amount was spent on them. Struss was in the habit of including arbitrarily certain minor plants that might be indirectly connected, with this report. For example, he included a substitute power plant for an old power plant that was no longer in operation and its worth is given with 55 million. Then included also are large over-land high tension lines which connected all Farben plants in Central Germany. These general plants which had nothing to do with the production of the material, but rather with their processing and experimentation, etc. At any rate, the figure given by Struss compared with the other investments in the field of chemistry of the Central German group, does not constitute one-half of the entire expenditures.

Q. You mentioned just now a power plant that was newly constructed. That is also mentioned in Book 9 of the prosecution in Exhibit 265 on page 113 of that book. In that connection, I want to ask you for what purposes was this new power plant needed.

A. I mentioned that this plant was a substitute for an old one and the operation of this power plant was to serve the whole electrical purposes and general processes and also for supplying Farben plants in the large Buna field and the public supply. The requirements for the light metals production would not have been even 20%.

Q. In their Exhibit 589 in Book 30, page 76 of the English, the

...action submitted a contract signed by you and the defendant Haefliger
contracted with the Reich Minister of Aviation of May 1941 about the
construction of a processing plant in Moosbierbaum. Its site, land
constructed upon the land of F. F. F.

Q. No. When we read this contract and can see that it is an
only amounting from 1941 approximately.

Q. When did the construction begin?

A. One year later, in 1942. Moosbierbaum was situated on the
Danube.

Q. Was this within your scope of responsibility, this construction?

A. Yes, it was.

Q. What was the production capacity provided for Moosbierbaum?

A. 24,000 tons of magnesium were to be produced in Moosbierbaum, but the project was reduced to one-half in 1944.

Q. Was Moosbierbaum to become a private Farben plant or a Reich owned plant?

A. Moosbierbaum was to become a private Farben plant. According to the situation at the time we could make a justified assumption that this production could be maintained also after the war and that it could be sold to private enterprise. The needs of the Volkswagen Plant for their automobile program alone and the tractor program, that was planned, could have utilized 20 to 30 thousand tons of magnesium.

Q. From the contract it can be seen that the Reich was to make a subsidy of 30 million Reichsmark. For what purpose?

A. The increase of costs of everything that was caused by the war were demanded from the authorities as a subsidy. These 30 million marks are to be compared with an entire cost of 120 million marks.

Q. Was this plant ever completed?

A. No, at the end of 1944 the construction had to be stopped and at that time perhaps one third of the building costs had been used up. The plant was incomplete in all its parts.

Q. The contract provides for a credit of the Bank of Germany Aviation for 40 million Reichsmark and the subsidy already mentioned of 30 million Reichsmark. Were these amounts ever used?

A. From the bank credit, 10 millions were used. From the subsidy we didn't receive anything.

Q. Dr. Baergin, I now turn to the so-called textile shells that were mentioned in the Prosecution's documents. These were pipes for the production of incendiary bombs. Struss says in an affidavit, Prosecution Exhibit 744, in Book XL, page 22 of the English, that during

the first years of the existence of the Alton plant 90% of the munitions produced in Alton and Bitterfeld went into such textile shells. In another one of his many affidavits, Exhibit 98 of the Prosecution, in Book V, page 74 of the English, Struss lists the percentage as 50% instead of 90%, to which this magnesium went into textile shells. What is your opinion as to which one is the correct one of these two figures?

A. In my opinion neither of these two figures is correct. I don't have any exact material for the first years but I do have it for the entire time and especially for the time from 1938 to 1944. In that period of time possible 4% of the production went into such textile shells. Of course this, does not preclude that for certain months perhaps one had a higher production into such textile shells initially but the average from 1938 was 4% and for the entire period from 1944 on it might at the most have been 5%, -- at the most.

DR. SCHUBERT: At this point I want to submit my document 46 from document book III, which will become my exhibit 13. In this I bring the complete text of a document that was brought by the Prosecution only in excerpts. This is the so-called Alton contract which partly has partly been presented as Prosecution's Exhibit 573. From the parts of this contract not yet offered into evidence, it can be seen that Farben was permitted in addition to shipments to the Reich to ship certain materials to third parties and I shall prove that this was done to a considerable extent.

Q. Dr. Dargatzis, in Prosecution's Exhibit 745, excerpts from 1937, in January 1937 are mentioned an artillery incendiary shell for which E Metal -- that is magnesium -- was used. Did you know anything about these experiments?

A. No, I didn't know anything about it. I heard about it from the records here in Nurnberg for the first time.

Q. In the Prosecution's exhibit mentioned, 745, a number of documents are combined whose author was a certain Dr. Noidkirch. Who was

Dr. Houdkirch?

A. Dr. Houdkirch worked in the organic scientific laboratory in Bitterfeld but he worked not under me.

Q. Was he in Bitterfeld when you became part of the Vorstand?

A. No, he was surrendered to Berlin before that time already.

Q. In the Prosecution's documents a so-called B-4/1 Powder is mentioned as part of the production in Bitterfeld and the Prosecution said at one time that for the production of this powder new magnesium and aluminum plants were constructed. What is this B-4/1 Powder, Dr. Burger?

A. This B-4/1 is nothing but powdered magnesium and aluminum alloy in a ratio of 50 to 50 for each metal.

Q. What was B-4/1 used for?

A. As far as I know, this powder was, first of all, used as a thermite powder and also for welding. This was also used for incendiary bombs.

Q. Were aluminum and magnesium plants constructed for B-4/1 as the Prosecution contended?

A. No. If you read it carefully you will see that only a certain grinding plant is concerned.

Q. In a number of the Prosecution's documents a project of a new grinding plant is mentioned for this powder. Do you know anything about that?

A. Yes, this is the particular grinding plant, the pulverizing plant that was mentioned. It was to be a substitute for a damaged pulverizing plant and this was instigated by the Reich Ministry of Aviation. That was to be constructed in Stassfurt and not in Bitterfeld. It was never completed and was never operated.

Q. Did you, Dr. Burger, in the plant under your charge ever produce finished incendiary bombs?

A. No. We didn't concern ourselves with the production of bombs

and also we didn't do anything about thermal bombs.

Q. In the Prosecution's Exhibit 709, Book XXVII, a specialist of the Reich Office for Economic Development of the 20th of March 1940 is given. This lists Bitterfeld as the only plant for the production of powder in an area west of a certain demarcation line. "IB Powder" is to mean magnesium powder. What did this magnesium powder serve? What purpose did it serve?

A. First of all, for purposes of fireworks, for light signals and for flash bulbs. That is the main field of employment for this powder.

Q. Do you know whether any other plants in Germany besides Bitterfeld produced magnesium powder?

A. In my definite recollection, Wintershall also produced magnesium powder. Whether this powder plant was situated east or west of this demarcation line, I don't know.

Q. Don't you remember whether the Wintershall plant was situated in Heringen?

A. The foundry was situated in Heringen. That would be west of that mentioned line.

Q. In what form did you sell magnesium?

A. The magnesium alloys were principally --70% of them--sold to the foundries and were also sold to other light metals processing plants in alloyed form. The rest about 30% were put into rails, blocks and other semi-finished products and sold to outside plants.

Q. If I understood you correctly, finished products from light metal were also produced by Parbon?

A. No, they didn't make any finished products.

Q Did you process only magnesium and magnesium alloys in Bitterfeld?

A We also processed and produced aluminum alloys in Bitterfeld, including hydronalium, which is, sea-water resistant. This is an alloy of approximately 90% aluminum and 10% magnesium and other alloy metals. Electron was again 90% magnesium and 10% other alloy components. Electron had a specific gravity of only two-thirds of the aluminum alloys; this gave it a technological advantage.

Q Dr. Buergin, the Prosecution's witness Hagert in an affidavit, Exhibit 51, Book II, page 61 of the English, mentioned ten light-metal plants which in his opinion belonged to the Farben enterprise. He could not name all of them during cross examination. In your opinion, what plants could be counted as light-metal plants within Farben?

A Besides the three plants -- Bitterfeld, Aken, and Stassfurt -- mentioned by me, we acquired Metallguss Leipzig after the war began. That was only a foundry, which made cast aluminum, so-called Sylumin-guss. It also had a department for electron-casting. That was the enterprise in whose advisory council I was chairman. Other light-metal plants -- there was a sheet-metal rolling mill, the Westphalische Leichtmetallwerke in Nachrodt, in which Farben participated to 50%; the Stahlverein held the other 50%. There I was a member of the advisory council. As to light-metal foundries, besides the three mentioned in central Germany there was Moosbriertbaum under construction -- we have already mentioned that -- and Hercon in Norway, where Farben participated to one-third. Those two plants never began to operate; that is to say, in the past. I do not know of any further light-metal plants in the Farben enterprise.

Teutschenthal produced magnesia -- that is not a metal -- and the Pyrophor plant which the witness mentioned has nothing to do at all with magnesium; that was a sales organization in Essen which sold sandpaper, so that we really cannot arrive at ten light-metal plants, try as hard as we may.

Q Dr. Bueger, I have a question about the uses to which magnesium was put. The Prosecution's Exhibit 705, which is an affidavit of Hulert, in Book XXVII, English p. 17, says that magnesium was used for the production of tanks, armored vehicles, and cannon. During cross examination, page 1720 of the transcript, he could not make any definite statement about this. Do you know anything about such uses?

A I had that question put to the witness Hulert, for I was an artillery man, and during my active service and also later I never heard of magnesium tanks or magnesium guns. I hadn't heard that any characteristic parts of these things were ever produced from magnesium. I know that the landing gear of airplanes, for instance, is made of Elektron, and wheels for other vehicles can be produced from Silumin or Elektron; that was certainly a use to which it was put; but these wheels are not the characteristic parts of a gun or of a tank. In a light mountain gun for mules, for instance, as many parts will be constructed from light metal as possible.

Q Dr. Bueger, we have talked in great detail about the uses of light metals and particularly magnesium for fighting material. Please describe whether and to what extent magnesium is suitable for employment in civilian sectors because of its special characteristics, what purposes the magnesium manufacturers actually imagined in this field, and for what purposes magnesium was actually used in the civilian sector.

A For the civilian market magnesium alloys can be used in most cases just as can aluminum alloys, because of the lower specific gravity that I have already mentioned. It will be used wherever it can be done so economically; that is, in aviation, motor vehicle, and motor construction. In automotive construction it was intended for the Volkswagen, which I have already mentioned, to an extent of 18 kilograms for every vehicle. Furthermore, it can be used in general machine construction, for equipment of any type to make it lighter, and easier to handle. These are only the most important fields.

Q Dr. Burgin, I have here a blue book that you know very well. It is called "Thirty Years of Elektron" (Dreissig Jahre Elektron). Do you know when this book was published?

A In 1939, as an advertising pamphlet.

Q It was intended to promote the sale of magnesium?

A Yes, it was definitely an advertising pamphlet.

Q The uses given in this book -- were they in conformity with the ideas that the leading magnesium experts of Parben held about the fields in which the use of magnesium could be promoted?

A Yes, these were the fields that our technical men wanted to open up or had opened up for magnesium.

DR. SCHMERT: At this point, your Honors, I want to submit my document No. 18 from Document Book II. This is the book that I have just mentioned. This is called, "Thirty Years of Elektron." Unfortunately, I don't have enough copies to give one each to your Honors. I only have two that I can make available to the Bench. I want to draw your Honors' attention especially to this book. First of all, it contains the history of the development of magnesium, and then on page 26 of the document book and on page 69 ff of the book that I have put in, it contains a number of illustrations. From these it can be seen in how many different fields magnesium was employed. We can see there, on pages 69 to 72 of the original, the building of airplanes. Then automobile construction, where not only parts of the motor are made from magnesium but also the body, as can be seen from page 76; furthermore, on pages 78 ff, use the construction of railroad cars and streetcars. On the following pages shipbuilding is mentioned.

On pages 82 ff the extensive use of magnesium in machine construction is mentioned, the building of portable machines such as textile machines as well as general machine construction. Use in the electro-technical field is interesting, on page 89; a motor is illustrated with elektron parts.

On page 90 of the book the lower illustration shows a telephone where the casing of the telephone is made of elektron. Then it is used for film, photographic and optical supplies, measuring instruments, printing equipment, where cutting plates were made of magnesium, extensively in household equipment, in the construction of fire-fighting equipment, and finally architecture, interior decorating, and handicrafts.

The pages after 112 in the book contain illustrations about the exhibitions which Farben sent of magnesium and alloyed products; Illustration 5 shows the Farben booth in 1937 at the Paris World Fair, where objects of Elektron and Hydronalium are shown,.....for which Farben received the Grand Prix.

I offer this document as my exhibit 14.

From the same document book, No. II, I also offer No. 38, Exhibit No. 15. These are excerpts from a scientific paper about magnesium, also of 1937, containing illustrations that also show the various uses, not necessarily for war purposes, that magnesium had.

THE PRESIDENT: This would be an appropriate place to suspend for our recess. The Tribunal will rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Dr. Schubert, with the introduction of your Exhibits 14 and 15, I assume that we may now treat your Book 2 as having been complete. I say that just to keep our records straight. In other words, those are the only two exhibits in Book 2, are they not?

DR. SCHUBERT: Yes, Your Honor.

THE PRESIDENT: Then the record will show that you have offered your documents in Buergin Book No. 2.

DR. SCHUBERT: May I continue Your Honor?

THE PRESIDENT: You may.

DIRECT EXAMINATION (continued)

Mr. Ernst Buergin

BY MR. SCHUBERT:

Q Dr. Buergin, with respect to the enlargement of the magnesium base which from 1933 to 1939 came about without your assistance, did you think that that was done in order to prepare for an aggressive war?

A No. My friends and I had not the least thought that that was intended. As a matter of course we thought that there would be a peaceful, constant use in the field of electronics. For this reason, we invested our own funds too. You have them in all of the new plants. We made negotiations according to which all strange funds were to be rapid. In addition, we could observe that all foreign countries tried to increase their magnesium base. The development was, therefore, quite general, as I shall discuss later, we have maintained an exchange of experience with these abroad, and have made our experience available with the agreement of the RIM.

In the year of 1935, for instance, we contacted a magnesium plant in England. All of these events, naturally, did not give rise to any thought of an aggressive war being planned by Germany.

Q The Prosecution has maintained that without magnesium it would have been impossible to wage a war. Would you briefly say something about this?

A Whoever makes such a statement will not be able to give proof for it. It is certainly correct that light metals used to advantage more than armament. One must, however, remember that in the field of light metals, not magnesium but aluminum base was the most important part, since aluminum production in the entire world as well as in Germany outdoes magnesium by a great deal.

The production in Germany, for instance, was 10 times as much as magnesium. - I am referring to the production of aluminum, - and in the United States I think that you can say the production was 100-fold. The specific symptoms of magnesium and aluminum are the same generally. In other words, whenever aluminum is being used, one can use magnesium and vice versa. Only in the case of some fields like pots, tins for conserved food, cheese wrappers, and in some other instances, election will not be suitable.

One must, therefore, arrive at the conclusion that magnesium products which in accordance with the raw materials situation in Germany amount to the extent of aluminum, has only a small significance for armament. In addition to that, building materials compete in that respect, which, in addition to other products, need light metals too. For instance, modern plywood, which has quite unusual assets, modern plastics, and even fine metals, can be used in the aviation industry.

With respect to the field of incendiaries, as it was shown by the war, not only magnesium but also oil and phosphorus was used to a large extent. It cannot be denied, therefore, that magnesium can play a part in armament production. But one should avoid over-estimating that. Military experts, of course, will be qualified to explain that.

Q Do you know whether, and to what extent, foreign countries were interested in electron metal?

A The interest for electron metal was awakened in all civilized countries since the last two decades. In addition to Germany the United States, already during the first World War, had installed several plants for the production of magnesium. The most significant, the Dow chemical

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plant Midland, has maintained its operation after the first World War, but France, Switzerland, Italy and England have developed magnesium plants according to the most varied processes, and have also produced metals, as did also Russia, Japan, Korea and Australia. These are the most important ones.

Q Dr. Buerger, would you once more please name the American firm from Midland, the name has not been fully translated.

A That is the Dow Chemical Company, in Midland.

Q The Prosecution have submitted contracts between Farben on the one hand and the Aluminum Company of America (Alcoa) on the other hand, as Exhibit 999 and 1000, in Volume 53. These contracts date from the years '31 and '32. Were you connected with the conclusion of those contracts or the negotiations which led to them?

A In no way at all.

Q In order to substantiate this reply, I should like to submit the last document in my Document book 3. This will be Document No. 70 and it will become Exhibit 16. It is an affidavit from Herman E. Bakken, the director of the American Magnesium Corporation. It becomes apparent from this document that Dr. Buerger was not present during the conclusion and the negotiations leading up to the Alig contract. This document also tells of the exchange of experiences.

Q Do you know whether Farben intended, together with the company to be founded in America, to bring about an increased production of magnesium in the United States?

A I cannot reply to this question from direct experience because I was not, as I said, connected in the contract negotiations. However, I may reply to your question in the affirmative, since I found out that Dr. Pieter and the gentlemen who mostly dealt with magnesium were extremely disappointed that the United States showed so little interest in magnesium and that they did that contrary to France, England and Italy.

Q From my Document Book 3, I should like to offer in this connection Document 74, on page 70, a memorandum of an employee of Farben at Bitterfeld, Dr. Buch, from which we see that Farben, because of the weak development of the magnesium business in the United States, saw no future there for it with respect to gaining any profit from the provisions of the Alig contract.

I am offering this document as my Exhibit 17.

Dr. Burgin, do you know why it is that magnesium in the United States was so difficult to come into operation?

A One reason probably is the almighty position of aluminum in the United States. In addition, there was a saving of weight, and in the United States in the building of motor vehicles such a saving is not as important as in Europe. It is well known that the United States has better motor fuels and has always had an extremely network of roads.

Q Did you have anything to do with the negotiations of Farban and the Dow Chemical Company of the 7th of September, 1934, that has been offered as Prosecution Exhibit 1003, Book 13, English page 153?

This discusses the limitation of the export spheres, in particular the limitation of exports from Dow to Europe.

A No, that was purely a commercial affair.

Q Do you know whether magnesium bought from the Dow firm was stock-piled by Farban?

A I know nothing of that. I can not imagine it either. I do remember, however, that magnesium bought from Dow was used in our plants in order to have it exported to England, that is, it was alloyed in our plants in order to have it exported to England. This was between 1934 and 1936 before the new magnesium plant had come into operation in England.

Q In this connection I should like to offer a document from my document book No. 3. This will be Document 41, on page 93 of the book, that is to become Exhibit 18. This is an affidavit by Clifford Andress who discusses particularly the construction of the magnesium factory in England which was just mentioned by the witness. This will be Exhibit 18.

Dr. Burgin, can you tell us something about the exchange of experiences between Farban and foreign countries in the magnesium field?

Was Farben reticent about exchanging its experiences, or did it inform its foreign business friends about its processes?

A. In accordance with the contracts, the exchange of experiences was practiced with foreign partners, especially England, France, Italy and America. It was done constantly and always in time. For instance, we had an all-around technical expert. Ever since 1934 in the United States he was active there with the American Magnesium Corporation. And in addition we had our sub-contractors all over the world, alloy foundries in Czechoslovakia, Sweden, Switzerland, and the Balkans, and wherever we supplied metals we also supplied experiences. The buyer received a free license for its use, and he was able to use our own foundry methods. In addition to that we published our technical literature in many languages in order to support the producers and also to advertise. One can say that between Farben and abroad, in the field of electrons, there was not so much an exchange of experiences but a constant surrendering of experiences from our side. We were interested in furthering metal with all means at our disposal. For this purpose we had a very large experimental institution at Bitterfeld where we had about two dozen technical experts.

I should like to submit from my book 3, Documents 73, on page 56, that will be my Exhibit 19. This is a chart of Farben, a main card illustrating the contracts of Farben with three firms producing magnesium. It tells about the giving up of licenses and of the exchanges of experiences. Then I should like to submit Document 71 as my Exhibit 20. That also is one of the so-called main cards about contracts with the English firm Hughes & Company.

The last will be Document 72 as my Exhibit 21, a main card about a contract with various British firms to construct a magnesium factory in England, which was already the subject of our discussion.

You were speaking of the surrender of experiences. Did such surrender have to be approved by German authorities at the time?

A Approval was really necessary, but I have heard at no time that any limiting were issued to us.

Q Did this form of execution of the exchange of experiences lead you to believe that the political leadership was intending an aggressive war?

A The practicing of this exchange of experiences always convinced me of the contrary.

Q Can you tell me something about the visits of foreign interested parties in magnesium, people who visited the plants of Farben at Bitterfeld?

A Yes.

Q Well, be very brief.

A. Our license partners, England, France, our friends in America, were our guests all these years, and we visited them too. There were firms like Caproni, from Italy; gentlemen from Alcoa; those from BDO. Then there were a number of visits arranged by the German Aviation ministry. Such visitors were the rule in our plants.

Q. In that connection I should like to submit from Book 3 my document No. 15, on page 9, as my Exhibit 22. That is an affidavit by a certain Bothmann. He discusses the visit of Mr. Bekken from Alcoa, at Bitterfeld. The following Document No. 16 is from my Exhibit 23. The next will be Document No. 5 by Dvork. He discusses this visit by Mr. Bekken who was shown even the plant at Alcoa where armament materials were being produced.

Dr. Guergin, the Prosecution has submitted as Exhibit 1018, in Book 43, English page 262, a report of an Investigation Committee of the Senate of the United States. This comes to the conclusion, on page 6 of the original, that the production and use of magnesium was behind in the United States and that at the beginning of the war there was a serious scarcity of experience for the production of magnesium.

As far as you know, was that due to a too little surrendering of experience by Farbon to their business friends in America?

A. No, not at all. The surrendering of experience on our part was complete, and even after the outbreak of war it continued.

Q. Substantiating this statement I shall submit from my Book 3 the Document 75, on page 95. This is a letter by Farbon to the OKW dated 12 January, 1940. In that letter Farbon requests the OKW to enable their continued adhering to the contracts existing between Farbon and the United States for the production of magnesium. This will be my Exhibit 24. In a further report of a sub-committee of the United States of America, Prosecution Exhibit 1019, Book 23, English page 262, the Committee, on page 4 of the original, states that Farbon: ".....was in a position to retard the development of the magnesium factory in the

the United States of America.

What can you say about that?

A. This statement naturally is incorrect. The contrary becomes apparent from the contracts which have been submitted by the Prosecution. In the so-called Alig contract, Prosecution 999, it states, I quote: "It is the desire of the contracting partner to bring about the highest possible promotion in the magnesium field." Note it says "promotion" and not "retarding."

Accordingly Ferbon could not possibly have aimed at the limitation of any information. I know, furthermore, that the leading men in the magnesium field of Ferbon—in particular Dr. Fister—did everything possible to further and promote the magnesium industry in the United States. Furthermore, the Americans certainly would not have been the ones to permit themselves to be retarded whenever good business was in sight. One must consider, however, that the investment costs in the case of magnesium were approximately three to four times as high as investment costs in the case of aluminum. Investment costs for aluminum, on the other hand, were ten times the investment costs for steel.

Q. In conclusion, your Honor, I should like to submit a number of documents. The first is from my Book 3. I should like to submit the first document No. 17 as my Exhibit 25. That is a very detailed affidavit by Dr. Gustav Fister, the predecessor of my client at Bitterfeld.

So it first describes Dr. Furgin's career, and then under paragraph 2 he talks about the development of magnesium, giving particular consideration to Alcoa and Staassfurt.

Under 3 he deals with the relation of Ferbon to its business friends in the United States. In particular there are statements with respect to the so-called Alig contract to which the Prosecution has pointed out particularly because of the clause contained therein according to which the American firm to be founded on the basis of the Alig contract was not to produce more than 4,000 tons of magnesium per year at first.

Dr. Pistor explains how this clause was included in that contract and that that did not intend any limitation of American production.

Under "IV" other examples are mentioned as to the loyalty of the business relationships between Farbon and the United States.

"V" deals with Farbon's negotiations in England and France in the magnesium field. And "V" and "VI" deal with a number of other productions. From the same book I should now like to submit the Document 45, on page 45. This will become my Exhibit 26. This is an affidavit of Dr. Bach at Bitterfeld. He was active as a chemical expert and as a lawyer in the negotiations for the Alig contract, and he also arrives at the conclusion that Farbon in the United States did not want to retard magnesium production in the United States but, on the other hand, intended to promote it.

I should now like to submit documents in my Book 4. In sequence I should first like to offer Document 76 as Exhibit 27. This is an excerpt from a paper by Major Bell, the leading man in the magnesium field in Great Britain. He describes the development of magnesium by German firms and the untiring efforts of Dr. Pistor. He also talks about the participation in the development by British firms.

The next document, your Honor, No. 77 will become Exhibit 28. This is also an excerpt from an article by Major Bell, and in this article the construction of the magnesium factory in England is mentioned through the essential support by Farbon. In this document it is stated that up to the time of the completion of this factory the British firm—Magnesium Electrode Limited—had been buying magnesium from Germany for the English air force which used it for its recruitment, and I quote, in bad English—"later caused fire on German heads...."

The next document, your Honor, 78, will be Exhibit 29. This again is an excerpt from an article of Maj. Bell's. It shows that in the year 1939 Farbon started new methods of alloying magnesium, and even then transmitted their experiences to Great Britain.

The next document, No. 65, will become Exhibit 30; this is an excerpt from an English periodical, and it shows the friendly cooperation which existed between Englishmen and Germans when the British magnesium factory was under construction.

The next document will be No. 19 and I shall offer it as Exhibit 31. This is an article from 1944 from the British periodical "Engineering." This article reports that the production capacity of English factories on the basis of the Farbon contract had been increased greatly since 1936, and to a large extent subsidized by the government.

The next document, 66 I shall offer as Exhibit 32. This contains a letter of thanks by the Defense Plant Corporation, Washington, dated 1943, addressed to Major Bell. These were thanks for its cooperation in planning and constructing the largest magnesium plant in the world in the United States.

DR. SCHUBERT: Last document in this book, Document 79, will become Exhibit 33. This is an excerpt from an Investigating Report of a Special Committee set up by the Senate of the United States in the year 1944. It contains an investigation of the new foundation of plants in the United States in the magnesium field during the war. It is a good survey over the processes which were being used, and it does show that in the final analysis the American war economy was using to a decisive proportion the experiences gained from Farben over England. The report contains no reprimands as to any restricting measures being taken by Farben. This concludes my document book 4.

DR. BIERHIL, the Prosecution in order to prove espionage activity on the part of Farben, introduced Exh. 850 in English Document book 47, page 1 of the English, an affidavit by Barnard, according to which after the outbreak of the war military agencies approached Farben and asked them for charts, maps and photos about industrial plants of the enemy foreign countries. According to this affidavit Farben Berlin received the advice of a gentleman at Bitterfeld. Was that you?

A. No.

Q. In Prosecution Exhibit 884, Book 48, English page 30, two letters of Mr. von der Bey are submitted, addressed to General Loeb, and Ziegler to Director Fischer to Farben at Berlin. Statements are made therein about the light metal plants in England. These letters come from November, 1939. Were the gentlemen von der Bey and Ziegler active in Bitterfeld.

A. Yes, they were.

Q. What were their positions?

A. Mr. von der Bey was chief engineer and at the same time was Abwehrbeauftragter, and Herr Ziegler was the chief of the Sales company for Electron in Bitterfeld.

Q. Did you create or influence these letters contained in Prosecution Exhibit 884?

A. Neither.

Q. Did von der Bey get in touch with you in this connection?

A. I don't remember that. I don't believe so, because as Abwehrbeauftragter he was obligated to maintain secrecy, towards me too. Mr. von der Bey obviously was approached personally by General Loub, so that he had no reason at all to get in touch with me. However, I am firmly convinced that neither Herr von der Bey nor the other gentlemen were using their activity in England to carry on espionage. The report about their information gained during their stay in England will only have been given with regard to their commercial activity there. Upon requests of the military authorities they gave such information because that was their duty.

Q. From my book I I should like to submit Document 80 on page 31. This document will become Exhibit 34. It is an affidavit of Mr. von der Bey from which I shall quote the following sentence from page 31 of the Document Book. "Dr. Burgin had no knowledge of the above mentioned letter, one reason being that General Loub had bound me to secrecy when he requested the information on the above-mentioned firm." I shall now submit the next document, Document 81. This is another statement of von der Bey, which is submitted in supplementation of my Exhibit 35. Dr. Burgin, in the part of the indictment which charges you the preparation of aggressive war, products like Diglycol, stabilizers, Phosgene, Loastin, and decontamination agents are being mentioned in addition to many others which were produced in the branch of Betriebsgemeinschaft Mittel deutschland. I should like briefly to discuss with you the part you had in the construction of these plants and the production of the various products. In the first place let us deal with Prosecution Exhibit 108 and 121 in Volume 5, English page 110. Was the production of Diglycol in Wolfen within your sphere of work?

A. No.

Q. How come?

A. In the Montan plant Wolfen, which you mentioned, Diglycol and later stabilizers and the Phosgene necessary for its production were being produced. These products are of an organic nature and up to the time of my appointment into the Vorstand that is to say, up to the first of January, 1938, I was only responsible for inorganic products at Wolfen.

Q. In other words, you were not participating in the negotiations of your predecessor, Dr. Fister, with the Army Ordnance Office?

A. No.

Q. A file note of Dr. Fister of 14 November 1936, about a discussion with Dr. Zahn of the Heeres-Waffen Amt, in Projection Document Book 5, page 125 of the English, shows the remark at the end "Dr. Sturgin for information and return." What do you have to say about that?

A. This file note was only brought to my knowledge in order to inform me about holliole-Chloride Vapourouts of the plants. That is why it says "for information and return".

Q. How did you find the plant when in 1938 you became member of the Vorstand and when the plant came within your sphere of duties?

A. This Montan plant had the name Z and ST plant, and I found there the Diglycol part of it in operation. The rest was at standstill and had not perhaps even been completely installed.

Q. Prosecution Exhibit 594, Book 33, English also 57, shows a construction contract between OWI and Farben which was co-signed by you, Dr. Sturgin, the so-called Z and ST plant at Wolfen, was that a voluntary construction by Farben or was it demanded by the Army?

A. The Z and ST plant was very clearly an order by the Army. The Reich took over the expenses and Farben was merely to order it.

Q. As long as you were member of the Vorstand and head of the Werke Combine did you yourself exercise a direct influence in the operation of this plant? In particular the extent of production and turn-over?

A. No, the extent of production and the turn-over was directed exclusively by the authorities.

Q. In the draft which was mentioned before, a Reich-owned plant for stabilizers was mentioned. When was this stabilizer plant operated?

A. This stabilizer plant only came into operation after the outbreak of the war. Only a few months afterwards.

Q. I must put Dr. Wagner's testimony to you. In his affidavit Prosecution Exhibit 347, Volume 9, English page 57, Wagner states that this plant was not into operation in the year 1939, or perhaps even already at the end of 1938. Does that give you reason to change your testimony?

A. I know for sure that the plant was only constructed toward the end of the year 1939.

Q. Then Prosecution Exhibit 609, Book 34, English page 39, a very extensive travel report is included of the Reich Office for Economic Expansion dating back to the first month of 1939. They have then also visited Bitterfeld and Wolfen and have inspected its possibilities for munition production and storage. They are particularly interested in Tuluol products and armament products. Were you participating in these inspections and investigations? Were you asked about anything? Were you issued any orders?

A. No, the authorities did not turn to the Sales Combine with respect to these matters, but directly to the local factory managers, and I knew nothing of these trips. Only after expansion had become necessary as a result of such investigations. If changes had become necessary, then I would have been informed by the factory managers who were subordinated to me.

Q. As head of the Sales Combine - as head of the Works Combine of the Farben could you exercise any influence with respect to any expansion ordered thusly.

A. No. The expansion of Reich-owned plants were carried out exclusively upon order by the Reich, which could not be contradicted.

Q. In the same Exhibit 609, the Lost-plant is mentioned. Was that a plant of Farben and was it subordinated to you?

A. No, this plant is not known to me. If it had existed, it certainly did not belong to Farben and had no connection at all with the Steinfurt plant.

Q. In many prosecution documents Losantine was mentioned. We don't want to discuss that at length because it already has been. Dr. ter Meer has designated Losantine as ordinary bleaching agent. What was Losantine used for?

A. Losantine was an anti-Lost and was to catalyze and destroy the effect of Lost on the skin and other parts of the body which came into contact with Lost. Losantine, if I may say so, was a bleaching agent

which could be stored and thus had capacities which the commercial bleaching agent did not have.

Q. As Prosecution Exhibit 256, book 10, English page 17, the Prosecution has submitted a number of letters concerning Losantine. One of these letters is the letter of the 5th of August 1949, was sent to you for your acknowledgment. It concerns the plant for the production of Losantine. Were we concerned with an extensive plant?

A. No. Not at all. It concerns just a few machines producing tablets as they were produced in other industries, and they were packed in little tins holding ten tablets each. The tablets weighed about one gram each and if a capacity of two hundred fifty millions of tablets has been discussed these are only two hundred fifty tons per year.

Q. Was Losantine produced during the war?

A. Yes, Losantine was currently produced. Even before the war there was consumption of Losantine by the soldiers, although no Losant was actually used during the war, but the possibilities of its use as bleaching and disinfectant agent had been discovered very quickly and it was used for that purpose.

Q. In Prosecution Exhibits 122, book 5, page 142 and 252, Book 10, page 1, so-called erascent decontamination agents were discussed. What were erascent decontamination agents?

A. Decontamination agents are also anti-lost agents. They are not in firm but in oily form, and the active chlorine contained therein is bound to organic substances instead of calcium.

Q. There were decontamination agents produced?

A. This was produced at the Montanplant at Wolfen, and during the later years of the war in Doberitz-Sued on the Havel. Before 1938 I did not come into contact with this product because it was in the organic sector.

.. Dr. Buergin, I am now turning to Oleon. In Prosecution Exhibit 601, that is Book 34, English page 18, the so-called Oleon contract had

been submitted of the 12 April 1937. What is Oleon? What is it being used for?

A. I may perhaps designate Oleon as a highly concentrated sulphuric acid in order to make it easier for you to understand it. My professional colleagues may not perhaps consider this expression as being quite correct, but I think it may be quite useful to use it here.

Q. And what is it being used for?

A. Oleon was being used in nitrification. Normally when producing dye stuffs, but it is also being used for powder and explosives.

Q. From Exhibit 601 which I just mentioned it becomes apparent that in the Works Combino-Central Germany, Betriebsgemeinschaft-Mittel-Deutschland, there were two plants for the production of Oleon, and they were constructed as so-called WIFO plants. Were you concerned with the conclusion of contracts in that respect?

A. I know that contracts had been concluded. We were mainly concerned with tubes and a few aggregates in the construction of these plants, and all these matters were dealt with at a much lower level.

Q. Why were they constructed as WIFO plants?

A. The authorities had ordered WIFO to construct Oleon plants on account of the Reich, supporting themselves on already existing sulphuric acid factories, and this was not only done at the time at Farben, but that applied to all German contact sulphuric acid factories. It was a clear order coming from the military authorities.

Q. The Prosecution has submitted Exhibit 752, Book 41, English page 1, as the foundation contract of the WIFO from which it becomes apparent that Farben participated in the foundation to the extent of 41,000 Reichsmark, by handing in a piece of territory in Sasun. Do you know why that was done?

A. This matter was handled through Sperte I; this was not my field of work. This is confirmed by Diekmann's affidavit. I do know, however, that Farben had not the least interest in a share in WIFO, but that WIFO

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at the time wanted Farben to sell them part of their territory in order to build their highly concentrated sulphuric acid plant. Since Farben refused to sell the estate this way out was chosen after long negotiations had been carried on.

Q You were just mentioning the word "Hoko", highly concentrated.

A I haven't quite finished. Even that word was changed later.

Q But I should like to come back to this word "Hoko", highly concentrated, which you mentioned. What is "Hoko"?

A Hoko as it was already mentioned is highly concentrated nitric acid. It is used for nitrification with the Oleon which was used before.

Q Prosecution Exhibit 666, Book 36, English page 16; standby plants are mentioned for Hoko at Doeberitz and Wolfen. Were they concerned with Wif plants in the same way as the Oleon plants were?

A Yes.

Q When were they planned and when were they constructed?

A I can't give you the exact date now. I think it was between 1935 and 1937.

Q Were these orders from military agencies?

A Yes, Wif as already mentioned.

Q In the Kureck affidavit, Prosecution Exhibit 668, Book 33, which I already mentioned, it says that in Doeberitz standby plants for powder and explosives had been constructed before the outbreak of the war. Was that the Doeberitz plant which was under your charge?

A No, such factories for producing the shooting materials did not belong to the Betriebsgemeinschaft Mitteldeutschland.

Q In Blockmann affidavit, 669, Book 39, English page 19, the mobilization plan for Doeberitz has been mentioned according to which an Oppau staff was to be reserved for this standby plant in order to start its operation immediately in the mobilization case. Do you know anything about that?

A I do not know about that mobilization plan. The Hoko plant at Doeberitz, as I already said, was under the charge of Sparta I Oppau, and was not in my field of jurisdiction.

Only when the war broke out, a change occurred and the plant was assigned to the Welfen Dyestuffs.

Q In Struss' affidavit, Prosecution Exhibit 667, Book 31, English page 12, a standby plant is mentioned at Deberitz for the production of aniline and diphenylamine. What are these substances being used for?

A These were preliminary products for the stabilizers, as they were produced in the Montan Plant at Welfen.

Q Did the plant combine Mitteldeutschland plan these factories, and did they carry on negotiations with the authorities?

A No, the negotiations for the contracts and the planning of these factories came from Orschheim. That is a plant from the same plant (Kaiserwerke).

Q After the beginning of the war was aniline and diphenylamine produced?

A No, it was not, only decontamination agents were being produced.

Q In the same exhibit 667, Struss mentioned that Farben on its part took the initiative to convince the Reich authorities of the necessity of additional help and that that was particular applicable to the sulphuric acid factory at Welfen. Did Struss here mean the Montan plant at Welfen for the production of Oleum?

A No, we are here concerned with the sulphuric acid plant which was started in the year 1936 and which served the production of sulphuric acid and cement as subsidiary products; and mainly there were the artificial fiber factories which were to supply the neighboring Welfen plants. Farben at that time intended to set up this plant in view of the needs of artificial fibers and because it was interested in the so-called Haller-Tschene Verfahren plan, a process of gaining sulphuric acid which it had been using for sometime, and since Welfen was not in a favorable location for sulphur, but on the other hand was favorable for the consumers of sulphuric acid and also favorable for the cement production which had to be carried on of necessity.

Q In Prosecution 108, 114, 118, Book 5, English page 10, a project is discussed for the production of acetophenone in Wolfen. What is that substance and was it ever produced at Wolfen?

A Acetophenone was repeatedly mentioned in the Prosecution's discussions as tear gas or irritating agent. Acetophenone was never produced in Wolfen, and there was no occasion to do that. Acetophenone is identical for the occasionally mentioned Omega salt.

Q From various Prosecution documents, Exhibit 118, 194, 618, and 659, it becomes apparent that a phosgene plant existed at Wolfen. Phosgene has already been discussed here. Now, let me ask you about the phosgene filling station for bombs mentioned in Exhibit 618 and 659. Upon whose investigation was this plant constructed?

A The phosgene filling station mentioned in Exhibit 618 and 659 was constructed only upon orders by military authorities; however, with no success. I opposed the construction of these filling stations.

Q Well, when did that happen?

A That was after the outbreak of the war. I can't give you now the exact date.

Q In Prosecution Exhibit 594 the phosgene filling station is mentioned for grenades. Was that ever constructed?

A Yes, this filling station was mentioned in the same order, but it was never constructed.

Q And the affiant of the affidavit, Prosecution Exhibit 654, Book 36, English page 83, it is said that chlorine, sodium-lugue, chlorine benzene, and cytheranfur was delivered from the Ritterfold at Wolfen. Do you know the purposes?

A I know neither of the deliveries nor of the purposes thereof.

Q The Prosecution Exhibit 635 has discussed the development of Forten at Hoechst about per-stoff, and you were informed of this development. What is Per-stoff?

A Per-stoff is a chemical substance used in the last war as chemical warfare agent. I can't tell you anywhere about it. Perstoff was never produced in the Werke Combino Mittelddeutschland.

DR. SCHUBERT: I have just been told that it was said "last war". I think the witness meant the previous war; he was referring to First World War and not the last war.

BY DR. SCHUBERT:

Q In the Werke Combino Mittelddeutschland, was this Per-stoff produced?

A As I said, it was not.

Q And now turning to the end of this rather tiring, but yet necessary treatment of these various substances; in the Struss affidavit, Prosecution Exhibit 612, in Book 34, English page 115, Struss gave us a survey of the production and development of 18 products which Struss considers as of military essential value. The products are mentioned there which belong to your original sphere of work. These are chlorine and caustic soda. Would you please tell us whether these two products are to be considered as essential for war?

A Chlorine and caustic soda are heavy chemicals used to a great extent. Caustic soda is necessary for the production of soap, for instance, and to a large extent, too, for artificial fiber. I was only mentioning these two large scale consumptions. Chlorine is the necessary bleaching for artificial fibers, for textiles, and for other purposes. It also serves the production of hydrochloric acid for certain products of organic chemistry, and during the last decade it was particularly important for the newly created chemistry for the production of oxide. The extent of the production of these substances is in a firm relationship to chemical production. At large, in peacetime as well as wartime, it will find its use relative extent.

DR. SCHUBERT: From my document Book, I should like to submit the last document, document 64 as Exhibit 36.

This is an affidavit of Karl von Heider, and gives us a survey in three circles over the use of the chlorine from the year 1934 to 1940. It also shows how at the time when the document was drafted the chlorine consumption in gasolines was visualized. It becomes apparent from this document that the consumption and the distribution always remained the same.

I am told now that I made a mistake in the number of the exhibit. It will be 36. I am doing mistakes then that. It is Document 69 on page 27 of the Document Book. It will be Exhibit 36.

THE PRESIDENT: That is not in book 1, or is it in Book 1?

DR. SCHWARTZ: On page 27, Book 1.

THE PRESIDENT: And the Exhibit number is 36?

DR. SCHWARTZ: Yes, your Honor.

THE PRESIDENT: I think we better suspend at this time.

Just before we recess, Judge Robert has an announcement to make on behalf of the Tribunal.

JUDGE ROBERT: Counsel for the Defendant Baergin has called our attention to important factors which affect the time which the Tribunal allotted for the presentation of this phase of the case, namely counsel is responsible for presenting aspects of the light metals field, affecting all of the defendants, and we are informed that in addition to the testimony of the Defendant Baergin, it is planned to produce five witnesses. The Tribunal is reluctant to disarrange the schedule which has been so carefully planned and which we hope to adhere to, but we feel that in this instance, without creating any precedent of extending time, that the matter is of sufficient to warrant our taking cognizance of it; and we have concluded that the best way to meet the situation is to order an extra session this coming Saturday with the view to completing the case of the Defendant Baergin at the conclusion of the regular hours on Saturday.

So, the Tribunal will be in session this coming Saturday from 9:30 to 4:30, and the case of the Defendant Buetefish will then be able to start on Monday Morning. We hope that this will be the last time that it will be necessary to hold these Saturday sessions.

THE PRESIDENT: The Tribunal will now rise until 1:30.

(The Tribunal recessed until 1330 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 4 March 1948.)

THE MARSHAL: The Tribunal is again in session.

DR. SCHUBERT: May I continue please?

THE PRESIDENT: I think Mr. Sprecher wishes to make an announcement.

MR. SPRECHER: Two points, Mr. President. First, the commissioner of the Tribunal has scheduled a commissioner hearing this weekend in Berlin in order to hear the Prosecution affiant Salomon Kohn, K-o-h-n, who gave the Prosecution Exhibit 1174, MI-10024, which is found in your document book 75, Prosecution Document Book 75, English page 94, German page 1110. The Prosecution is just not able to get to Berlin this weekend, and we will withdraw this affidavit which is similar to other affidavits and certain documentation available to us or which has been introduced on Auschwitz.

THE PRESIDENT: The document mentioned by the Prosecution is withdrawn from the evidence, and there is, of course, no occasion to cross examine the affiant.

MR. SPRECHER: A second matter which I have discussed with Dr. Metzler who was outside just a minute ago, and I advised him that I was going to bring this question up at 1:30 before your Honors.

THE PRESIDENT: May I inquire, are you and Dr. Metzler in agreement about the matter?

MR. SPRECHER: He wanted to talk further to his assistant as to whether or not he was in agreement. In any event it was just a question of advising him of what statement we would make.

THE PRESIDENT: Very well, make your statement.

MR. SPRECHER: Yesterday afternoon, your Honors took under advisement the admissibility of Prosecution Exhibit 1943, MI-11746, which the Prosecution offered in full and without reservation at that time. This document in fact contains six separate matters pertaining to the turn of

tax litigation of DAG between 1939 and 1943. Three parts represent decisions or opinions of German courts or the German Ministry of Finance; three parts are various petitions of DAG itself in appeal or in support of an appeal taken by DAG to the decision of the lower court. The Prosecution now withdraws from its offer the following three parts, and incidentally, the parts are enumerated and segregated on the certificate accompanying them with the page references so your Honors will have no difficulty in determining those parts. It amounts to half the document.

The Prosecution now withdraws its offer of the decision of the lower court dated 19 July 1939, the opinion of the Reich Minister of Finance dated 23 October 1943, and the decision of the Supreme Court dated 26 November 1943. The Prosecution re-offers the DAG petition on appeal dated 20 November 1940, the further DAG petition on appeal dated 20 September 1941, and the still further DAG petition on appeal dated 13 December 1941.

As your Honors will recall from the testimony of the defendant von Krierle, Farbon requested DAG to make this appeal and from other evidence such as an Exhibit we introduced yesterday, you will have learned that the Farben Vorstand was advised of this litigation.

Now, I believe your Honors have before you DAG Book Number 1. If you will look at DAG Exhibits 1, 2, and 5 — I believe they are marked as Defense Exhibits 1, 2, and 5, in DAG Document Book 1, you will find that these three exhibits are affidavits which one Dr. Rudolf Schmidt, S-c-h-m-i-d-t, a lawyer and a Vorstand member of DAG, gave to the Defense. They concern not only the relationship between DAG and Farbon, but one of them is given over to the background of this very taxation trial. Now, the affiant to these three Defense exhibits, it is agreed by Dr. Silcher to whom I have just talked, is the same Schmidt who signed the three petitions which we are now re-offering.

We believe that these three petitions contain statements of fact, factual representations, and admissions which are relevant to basic issues in this case as well as being important to your Honors in weighing the statements made by Schmidt in Defense exhibits 1, 2, and 5.

THE PRESIDENT: Mr. Prosecutor, we have proceeded upon the theory that when a document is offered, regardless of what may have happened to it afterwards, it is in the record so far as being in the custody of the Tribunal is concerned. It may not be in the record as far as being considered by the Tribunal in its judgment. Now, in view of what you have said, I am asking you, would it not be wise to assign a different and new number to the parts of this document that you are offering? In other words, there is no way to take out of the document that what is offered as a document —

MR. SPEECHER: The Exhibit is 1943.

THE PRESIDENT: Yes, that is in the file of the Secretary, and can you not at the proper time, at least, put the original — it will be not necessary to make any new distribution — but put the original copy of the parts of the document that you are now re-offering in the hands of the Secretary General as a new number?

MR. SPEECHER: Mr. President, we very seriously considered that possibility, but it would be very difficult to extract these parts since they overlap on pages.

THE PRESIDENT: I see.

MR. SPEECHER: And what is more, although we don't offer those three decisions, they are mentioned in the petitions and therefore your Honors may wish to take judicial notice of them to some extent in any event.

THE PRESIDENT: Now, the only thing that is concerning me is the fact that you are now in the situation of having withdrawn a document and offered a part of it again, and I am fearful that if we aren't careful we will confuse the Secretary General's records. What have you to suggest along that line to take care of that contingency?

MR. SPEECHER: I can make it even clearer because the certificate which accompanies the document — and there is a similar certificate in the German copy, of course — the petition, the first petition begins at page 11 and ends at page 24. That is re-offered. The second petition begins at page 24 and ends at page 35. That is re-offered. The third petition begins at page 35 and ends at page 40. That is re-offered.

THE PRESIDENT: I understand clearly what you have in mind, but you have withdrawn an exhibit, and you are re-offering another part of it; and even though the Secretary's file only contains a memorandum or a copy of what you said to the Tribunal, I do think that the exhibit now offered should bear its proper number in order that we do not have a hiatus in the series of the numbers of the Secretary General because you are withdrawing a document and offering another one. That is what will be confused. I understand what the document is, I am not confused about that. It is merely a bookkeeping transaction here. Put a copy of your former exhibit number a new number in the Secretary's office and mark the parts that are in evidence under this number, and we will all understand that. We can go from one to another and see what is done, and we won't get confused, but I don't want a situation of a document withdrawn and re-offered under one number because it is just that sometime somebody is going to get in very much confusion about it.

MR. SPEECHER: Mr. Anchan suggested that I put it negatively rather than indicating that we are withdrawing this whole exhibit that we merely make a motion to strike from our offer and from —

THE PRESIDENT: Well, there is no way to take off the transcript of this Tribunal what you said, and that itself is calculated to confusion. The Tribunal will direct that you assign the exhibit now offered a new number and put some memorandum in the Secretary's files so that we will not be confused. I don't know what it is, but what is the new number? The last number now?

It has been observed by my colleague that there is no limitation on numbers as far as this Tribunal is concerned. What was the last

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number you used yesterday, do you remember? I am advised it was 1957.

This will be Prosecution Exhibit Number 1958.

MR. SPRECHER: Yes, Mr. President.

THE PRESIDENT: Very well, now, just one thing further. When Dr. von Matsler comes in and you have an opportunity to see him, will you remind him of what has been done so if he has anything to say about it --

MR. SPRECHER: Since he speaks English, I can give him my copy of what I have just read.

THE PRESIDENT: Thank you, very much.

DR. SCHUBERT: May I continue, Mr. President?

PRESIDENT: Yes, Dr. Schubert.

BY DR. SCHUBERT:

Q Dr. Buerger, since we have now dealt with the products of the plants combine in central Germany that were mentioned in the Prosecution's documents, I want you to answer the question in conclusion whether from the type and extent of the production you could conclude that a war of aggression was imminent?

A Not in the least. From nowhere did I hear anything that such intentions were entertained, and I could not conclude that from the production program either. On the one hand, I was only able to have insight into the small sector that was under my charge since 1938 and about the other armaments fields I could not be advised at all. The products and chemicals manufactured in the Farben-owned plants under my charge which were almost exclusively basic products were necessary for every normal industry, and they were not necessarily to be used for armaments. That can be seen from the break-up of the consumption of chlorine. How little we were thinking of a war can be seen from a patent and experience pool that was concluded in the spring of 1937 between Solvay-Brussels, ICI-London, Farben, and the Prager Verein in the field of chlorine alkali-electrolysis. I mention the additional negotiations of Farben that took place with foreign countries in the light metals field. Belgian and English technical men were in Germany in the spring of 1939. In the late summer of 1939 German technical men visited England and I was one of them. In September of 1939 the German plants were to be visited again by the foreigners who had been named previously. However, this was prevented because of the beginning of the war. I personally did not think of this possibility seriously. I do not remember that anyone of my friends seriously believed that at that time the situation would come to a head. I personally believed that after the conclusion of the German-Russian pact, any danger would be avoided.

Q I now turn to the next count of the indictment "Spoliation and Plunder" with which you are also charged. The Prosecution in its document book 55 on Norway produced Exhibit 1191, a letter of the Economic-Political Department directed to all Vorstand members dated 8th of May, '41 asking for opinions to be expressed about the suggestions contained therein. Two products are mentioned in this document belonging to your particular field of work, that is, chlorine and caustic soda. Do you know whether the suggestions of the Economic-Political Department were caused by a suggestion or assistance on your part?

A I would answer that in the negative. The treatise is only commercial, and I do not remember to have made any contribution towards this treatise.

Q Can you tell me from your memory whether you expressed an opinion about this letter of the 8th of May, 1941?

A I would doubt that with good reasons. I do not believe anyone expected me to express such an opinion.

Q In that particular document another letter of the 5th of September, '41 directed to all Vorstand members is contained. It contains certain statements about Norway transmitted with the request for opinions to be expressed. In this document there are also suggestions for the field of formic acid, malic acid, and light metals. Did you participate in these suggestions, or did you express an opinion about them in any way?

A No, I don't remember that I ever gave an answer to this letter. I know definitely that I did not participate in the treatise that the Vorstand drafted.

Q In the Prosecution's Exhibit 585, Book 30, on page 63, there is a file note of Moschel about a Norwegian aluminum project dated 19 October, '40 mentioning the project of Haroen. Is that your associate from Eitterfeld, Dr. Moschel?

A Yes, that is my associate, Dr. Moschel.

Q At the time when this file note was drafted, was he still working with you in Bitterfeld?

A I must conclude from this document that he was still there, but he already took up connection with Koppenberg at that time — Koppenberg, who had been given plenipotentiary powers for the light metals project in Norway by Goering, requested Dr. Moschel at that time to help him in his tasks. I left the decision up to Dr. Moschel, and Moschel then agreed with Koppenberg, and I gave him leave for the length of this period.

Q If I understood you correctly, Dr. Moschel was no longer your associate in Bitterfeld during the time that he worked on the Norwegian project?

A Yes, that's correct.

Q I now turn to the Prosecution's Exhibit 586, Book 30, page 67, a letter of Farben-Bitterfeld, a letter of 23 October 1940 according to which certain suggestions are made about the Norwegian aluminum and which bears yours and Dr. Moschel's signatures. Can you tell me what caused this letter to be written at the time?

A Moschel returned from discussions in Berlin at the time and he brought back the suggestions that he had heard from various authorities there, and wrote them down in this letter. The letter was written under the fresh impression of a new and apparently very far-aiding planning in the field of light metals, a field in which Bitterfeld was interested because of its production and especially because of its then development work. The reference to the Norwegian waterpower was made under the impression that for the development of a production so much energy was needed. The difficulties that confronted this development in Germany would always be contrasted with the ease that existed in Norway of getting this power. However, the Norwegians, of course, were interested in having their more than sufficient water

power utilized. Therefore, the letter points to the necessity of the Norsk Hydro's participation. The fact that they should be given concessions, — undoubtedly a permanent participation was intended, — for the letter mentions the significance of the light metals for peacetime development. Koppenberg wanted to get for himself the technical and financial assistance of Farben, and Bitterfeld was interested in getting the corresponding participation for rendering the services that they were going to render. On the 23rd of October 1940, when this letter was written, the plans were still under consideration. Shortly thereafter, they became illusory because the Ministry of Aviation wanted to carry out the entire Norwegian aluminum plans by way of the Nordeag without any partners.

Q When this letter was written, did you intend to spoliato Norway?

A Spoliation? No, it can be seen from the letter that 300,000,000 marks were to be invested in Norway!

Q. Exhibit 1139, page 65 contains a record of the meeting of the 5th of February 1942. Magnesium was also discussed. The construction of an aluminum production plant of 12,000 tons capacity of aluminum and creolite is discussed in Norway. Is this the same project or part of the Nordisk aluminum product, the same that you just mentioned in the previously mentioned documents?

A. No. This is a project concerning the Nordisk Letteal, a corporation of Norwegian law founded for the production of approximately 10,000 tons of magnesium. By reason of an order of the Reich Ministry of Aviation, because of the difficulties of electric power that had occurred in the case of the previously intended construction site, Garstholm in Loch, the Reich Ministry of Aviation decided that the plant be transferred to Norway, where the sources of electric power were much more favorable. This corporation, Nordisk Letteal, while it was being incorporated, received the order by Koppenberg that 12,000 tons of aluminum, 12,000 tons of aluminum, and 1,000 tons of creolite should be affiliated in their plants. It was not originally intended by Hydro, or by Farban to add the aluminum production plant and the others mentioned. This was a forcible intervention of Koppenberg when he gave the order that this corporation should include those plants in which Koppenberg himself participated, with 51 percent apart from Norsk, Hydro, and Farban.

Q. Will note of Dr. Meyer-Gellan, Prosecution Exhibit 1174, Volume 65, which was sent to you for your information, purport to conclude that the participants from Norsk Hydro in Norway were supposed to be invited to Berlin for a conference. Did you participate in such a conference?

A. I cannot remember when these conferences took place. They certainly were, first of all, of a commercial nature. I probably heard about the results.

Q. Was the Nordisk Letteal actually incorporated?

Q. Yes. The three partners were incorporated, one-third participation each.

Q. Who were those three partners?

A. Nordisk Hydro; Furber, I already said that; and the third partner I don't know if it was Nordag or Hansa, because both of them meant really the same thing. One of them was the holding company, the other was the production company.

Q. Who was the important man in Nordag or in Hansa?

A. Koppenberg was the dominating figure in Nordag, Hansa.

Q. Dr. Quergin, was the Nordisk Lettsattell an instrument created for the spoliation of Norway?

A. I do not understand the word "spoliation" in this connection, for in Norway very valuable plants were constructed in the overwhelming majority from German funds. It is true that because of the restrictions caused by the air raids production did not start because the authorities ordered the construction to be terminated.

Q. Your Honor, in this connection, I want to submit from our document book Number 1, this is Document 4 on page 34. This would be Exhibit 37. That is the affidavit of Meyer-Regelin about the extent of the shipments of Furber in the way of machinery and a mill for the Herson Plant belonging to the Nordisk Lettsattell. Prosecution Exhibit 1196, also Book 55, English page 54, is a letter of Furber directed to the Reich Ministry of Production of the 22nd of May, 1941. According to this letter the Nordisk Lettsattell had to pay three percent of the license for all magnesium shipments up to 10,000 annual tons. For any further shipments the price was yet to be arranged. Was this license that had been agreed upon appropriate?

A. This was a moderate license for it was limited to 1,000,000 altogether. If I remember correctly, a back payment of 10% of these was also provided for.

Q. In that connection, Prosecution's Exhibit 1196 should be mentioned in Book 55, page 57 of the English, a contract between Nordisk

Lettentritt and Farben signed by you and the defendant Krefliger, about a compensation to be paid to Farben for the blue-prints, sketches, experiences, processes, and so on amounting to 550,000 Reichsmark. Was this a proper and fair amount?

A. This amount corresponded to the customary license fee which were granted in the field of chlorine by the chlorine pool by the I.G. companies before, as they were fixed internationally, and which could be termed moderate when compared with the entire project including the production license of 120,000,000 marks.

Q. I quote from Exhibit 1101 and 1204, Book 15, pages 15, 16, 17, 73 of the English, there are certain file notes about the negotiations concerning the capital increase of the Nordisk Hydro in connection with the incorporation of that company. These file notes were sent to you. Did you participate in the increase of capital with the procurement of the minority rights, with the floating of stock at that time?

A. No. I had no functions to fulfill in Hydro, and naturally had nothing to do with the financial matters. They sent these things to me only for information.

Q. Document 1199 of the Prosecution contains a letter from Farben to the Reich Minister for Aviation signed by you and Krefliger on the 15th of May 1942. Suggestions are made about the reducing of the increased costs of the Nordisk Lettentritt. Can you tell me for what reason this letter was written?

A. This is the continuation of a correspondence, the beginning of which was not submitted here, which discusses however, the means and means of financing the Nordisk Lettentritt. Since the construction costs exceeded the normal measure because of the war, it suggested in this correspondence that these costs be taken over by the Reich in favor of all three participants, that included Hydro. Furthermore, the financial arrangement of this project did not come within my scope of responsibility. I believe that Dr. Heger will express his opinion about

this affair in detail.

Q. You mentioned that you became a member of the Aufsichtsrat of the Nordisk Iettmetall. How often did you participate in meetings of the Aufsichtsrat?

A. Two, or at the most three times, as far as I remember.

Q. Were you in the working committee of the Aufsichtsrat?

A. No, I was not in the working committee.

Q. I now turn to another question. Did you have anything to do with the acquisition of the chemical plant in Aussig-Falkenberg in Sudeten territory?

A. No.

Q. Now is it, Dr. Burger, that in Prosecution's Exhibit 1109, Book 54, page 42 of the English, you are mentioned in a record of a meeting as a participant in a part of an internal preliminary discussion at the Chemical Works Von der Heyden concerning the Aussig-Falkenberg affair?

A. As far as I remember, I don't know any more how I got into this preliminary conference. I know only definitely that I did neither participate in the conferences with von der Heyden nor with Aussig-Falkenberg, and that can be seen from the documents.

Q. The contracts with the Prager Verein and Aussig-Falkenberg were sent to you for information, as can be seen from Prosecution Exhibit 1116, Book 54, page 73. Can you explain that?

A. Yes. From the distribution list you can see that all members of the chemical committee were informed; that was customary in such affairs unless these people could be informed orally during meetings. I am not connected in any other way with this particular question.

Q. I take it from your answer then that you had nothing to do with the acquisition of Aussig-Falkenberg?

A. No.

In Prosecution Exhibit 1165, Book 56, page 89, there are bills

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of Farben-Sitterfeld about apparatus for a plant in Eliza in Poland.

Can you give me any details about this mysterious affair?

A. After long reflection, I remembered that Dr. Bauer, who was the director of the magnesium factory in Aken, informed me at one time that some agency of the authorities -- I don't know any more which one -- that he had been asked to take over certain apparatus from the East. Where these machines came from in the end, I do not know. The bill is made out for account of the OKH, and certainly the OKH must have had a right of disposal over these machines.

Q. I now turn to Exhibit 1194, English Book 55, page 34. This is a letter of Doctor Hurster to you of the 23rd of November 1939, containing a draft of certain file notes about Poland, discussing one of your trips. Did you undertake a trip to Poland at the end of 1939?

A. Yes.

Q. Was this done on official orders?

A. I was called up on the telephone from an official agency in Berlin, by an Oberregierungsrat who had been given a mission from the Reich -- that I should accompany this Oberregierungsrat as a chemical expert on a trip.

Q. The order did not come from Farben?

A. I can say quite definitely, that the order did not come from Farben but from an official agency.

Q. What parts of the occupied Polish territory did you visit?

A. We visited the sector south of the Vistula, between Krafow and the San. On this trip we inspected the inorganic chemical industrial plants, and especially the chlorine electrolytical plants.

Q. Did you make a report about this trip?

A. The Oberregierungsrat made a report about this trip, or, that is to say, he told me that he was going to make such a report, and as far as I remember I countersigned it. I do not know any more whether I was given a copy of this report. At any rate, the affair was of no particular significance.

Q. In the letter of Dr. Hurster it says, and I quote: "As we agreed, I am sending you enclosed the notes dictated hastily about my impressions of the trip in Poland. I should be interested to read your report, too."

End of quotation. That had been agreed upon between you and Dr. Wurster in regard to these notes that were sent?

A. If I remember correctly, Dr. Wurster called me on the telephone and told me that he had a draft of certain notes about a Polish trip where he had accompanied Oberregierungsrat to Poland as a technical adviser. He wasn't quite clear what was wanted when such notes were made. I should look at his draft, he said, and also send him the report, -- the report about my trip -- so that he could see approximately what was intended.

Q. Did you answer Dr. Wurster's letter?

A. I don't believe I answered it in writing. In the accompanying letter to me the reference to any answer has been left blank. It is probable that at my next meeting with Dr. Wurster I informed him about my report to the trip to Poland.

Q. Did that conclude the affair as far as you were concerned?

A. Yes. It was of no particular significance for us.

Q. Were you ever again concerned with Polish chemical enterprises when Farben later acquired such plants?

A. No, never.

Q. During a meeting of the "Chloruko," whose chairman you were, about which Prosecution Exhibit 390, Book 15, English page 59, has been submitted, one can find a remark, obviously from a lecture of Herr von Weider. I quote: "From the occupied foreign countries as much chlorine as possible is to be taken out." End of quote. What did you understand by that?

A. This is only the ordinary purchase of chlorine against payment.

Q. What significance did the remark "Occupied foreign countries" mean? In your opinion?

A. In my opinion, only the Western States can be meant with this remark. For only they had the necessary large plants and water power at their disposal. In the occupied territories we had to give strong support those firms with raw materials and transportation so that they

could work at all. He made suggestions for the discharge of prisoners of war that had been formerly employed with these firms.

Q. In this same record of the meeting of the "Chloraki" a certain "Soda und Atzalkalien-Ost, G.M.B.H." is mentioned. This is a corporation which should utilize the electrolysis in the occupied Russian territories. Do you know anything about this corporation, and did you participate in its foundation?

A. I merely know that the corporation was to be founded. According to the documents that were submitted here, such a corporation was founded indeed. I only heard of an activity of this company at this time, now.

DR. SCHUBERT: Your Honors, in this connection I want to submit the last document from my Document Book I. This is Document Number 64, bearing Exhibit number 36. This is an affidavit of Karl von Helder in which he identifies a number of documents about the foundation, activity, and dissolution of the Soda und Atzalkalien-Ost, G.M.B.H. From this can be seen that Farbren participated in the capital to an extent of one-sixth — all together, 5000 Marks — that the corporation was only to take care of two Russian soda factories, that they did nothing but ship goods to Russia, and that the corporation operated only on a loss.

I now turn to Count III of the Indictment, the charge about slave labor.

Q. When you came to Bitterfeld, Dr. Buergin, were you concerned with the manpower question?

A. Of course I came into contact with these questions. It was the tradition in Farbren to direct one's particular attention to social welfare questions, and I had some experience in this field when I came to Bitterfeld. It is true that the conditions were incomparably different and my field of work was much larger than in the small Rheinfelden plant. For the entire plant of Wolfen-Bitterfeld — inclusive of Wolfen Film — there was a superior central social welfare department. At the beginning of the Thirties until 1937, under the direction of Professor

Kurschmann, who was the Social Welfare Director dealing with all social welfare matters, I had to deal with the social affairs in the Plant-Sued as far as this work was done by the plant leaders. I had to supervise this work under Dr. Pistor's charge. In the plant itself a subordinate social welfare department was competent for this work. Personnel questions in Bitterfeld were given under my charge. Professor Kurschmann was a representative of Farben towards the trade unions and towards the enterprise council, as long as such councils existed.

Q. How was your position changed since 1933, especially after the Law for the Regulation of National Labor was issued?

A. The law that you mentioned made the Vorstand the leader of the enterprise in the sense of this law. And thus it represented the enterprise towards the staff. Pistor was the leader of the plants. He presided over the Confidential Council. The factory's managers were always called to the meetings of the Confidential Council. Professor Kurschmann, and later his successor, were also consulted.

Q. What was changed in your position when in 1935 you became a member of the Vorstand and Director of the Plant Combene Central Germany?

A. Yes, from that moment on I became the leader of these enterprises and the chairman of the Confidential Council. Professor Karschmann and his office, on the other hand, came under the jurisdiction of my colleague Gajewski, who was the senior.

Q. Were meetings of the Confidential Council held regular intervals, frequently?

A. These meetings were to take place every four weeks, but since peace and order prevailed most of the time, most of the sessions took place only every three months and, during the war, only when needed.

Q. Dr. Baergin, please describe briefly what Farben and you did in the social welfare field in Bitterfeld.

A. Most of this has already been described by the other gentlemen.

Q. I mean in Bitterfeld.

A. Most of this has already been described by the other gentlemen. I want to avoid repetition. But the efforts in the other plants were duplicated in Bitterfeld. The housing question in Bitterfeld was of particular importance because that was a small city. The procurement of living space was particularly stressed, and much was done in that field. It was always our endeavor in Farben-Bitterfeld to create exemplary social welfare institutions, whether it be in the field of housing, recreation, sports, theatre, music, feeding, social get-togethers, excursions of the plants, or anything else. The relationship between the directors of the plants and the staff was always excellent.

Q. When was the construction of labor camps begun in Bitterfeld?

A. The construction of labor camps began already in 1937 on a small scale.

Q. Why already in 1937?

A. Bitterfeld didn't have any manpower pool as the industry situated

on the fringe of large cities did. The intensified industrial activity caused the settlement of such new manpower, especially construction workers who could not be properly housed in the small city of Bitterfeld. In Farben, as well as in other enterprises in Bitterfeld and in surrounding areas, considerable numbers of new workers were hired at that time. These enterprises got together in an association for that purpose of housing these people. This association was called "Lagerverein Chemie, H.V." and administered -- and this association administered the direction of the labor camp.

Q. Were there already foreign workers in Bitterfeld at that time?

A. These were essentially German workers. I don't remember how many foreigners were among them.

Q. When did the first foreign workers arrive in larger numbers?

A. It is possible that already in 1938 when the Sudeten-German crisis began, so-called racial Germans from the Sudetenland came in, and from other border territories or Czechoslovakia came to Bitterfeld. Later workers from Slovakia came in, but that was still before the war began.

Q. Please describe very briefly, merely in regard to Bitterfeld, the development of the man-power question after the war began.

A. The general situation in the chemical industry was approximately this: The chemical plants, and especially the electro-chemical plants, didn't have any salary intensity. One can see only a few workers in large halls with a capacity of 10 to 15 KW current or, to put it differently, one has to look around to see any workers at all. I can demonstrate that best when I say that the proportion of salary and pay in the total expenditure amounts to only 6 to 10 percent in such plants. If people were drafted it was especially difficult to replace these few people who were skilled and who knew the exact workings of this plant after an experience of many years. After the war broke out the plants were running at full capacity because of the orders that were given for the production without any change. After the German workers were drafted to the army, the man-

power shortage had to be met somehow. We first made up for this among the plants themselves, but that, of course, was limited in scope. In the region itself there weren't any further workers to be found; therefore, the labor offices had to get workers from other regions, and later also from abroad. As far as I know, the first foreign workers arrived approximately in the Autumn of 1940. These people were the unemployed of all nations who were to be found in Paris. Later we got Italians, Spaniards, and finally, in the course of the years, members of almost every nation in Europe.

Q. Did you in Bitterfeld and Wolfen Dyestuffs plants employ concentration camp inmates?

A. No. There were no concentration camp inmates working in these plants.

Q. Were they -- these people -- ever requested by you?

A. No, I never requested such workers.

Q. I must put Exhibit 1397, from Book 70, English page 145, to you. This is a letter of a certain Pieter, P-I-E-T-E-R, the camp commander of the concentration camp Buchenwald, to the Amts-Group D in Oranienburg, according to which the employment of 750 women for auxiliary construction work in Bitterfeld was to be undertaken. Do you care to correct anything in this letter?

A. No. The event with which this letter deals is unknown to me. At any rate, there were no concentration camp inmates working in Bitterfeld. Neither I nor anybody else on my instigation ever requested these people.

Q. Not in Wolfen Dyestuffs Plant either?

A. No.

Q. Did you have so-called Eastern workers in Bitterfeld?

A. Yes, we did employ Eastern workers in Bitterfeld.

Q. Dr. Baergin, we don't want to talk about the treatment of the Eastern workers. I think that has been sufficiently discussed here.

I merely want to ask you what specifically was done for the Eastern workers in Bitterfeld?

A. I personally reportedly had representations made to the authorities concerned with this question -- by people that were concerned with it -- in order to get their working conditions started to those of the other workers, other foreign workers. This was achieved in the course of time, and only during the first period we could not do anything against the regulations issued by the authorities, but wherever it was possible we helped these people. They were clothed, they were fed, and they were housed in the same new camp as the others were housed. According to regulations, this was originally surrounded by barbed wire -- but later this barbed wire was taken away, after the appropriate regulations were issued.

Q. Did you make additional food available for the Eastern workers?

A. For the Eastern and other workers we had built up a large farm -- several hundred acres, and whatever could be bought additionally was distributed over and above the ration that was fixed as the minimum ration. I know definitely that during the years when potatoes were not yet rationed, the people were given one kilogram a day, whereas only one-half of that amount was prescribed, and the Eastern workers especially, with whose output we were satisfied, were given assistance and help in order to alleviate their fate.

Q. I must ask you something now about the affidavit of a French Worker Rene Balandier which has been introduced by the Prosecution as Exhibit 1398 in Book 70, on page 146 of the English. Balandier says that the Russian workers were guarded by German soldiers. Is that correct?

A. That's impossible. The German army had no soldiers to spare for such purposes but Balandier probably meant the prisoner-of-war camp that was adjacent. Maybe he saw some soldiers there. In the Easter workers camp there were never any soldiers active as guards.

Q. The affidavit says that the Camp Security Police accompanied the Russians from the camp to the plant. Is that correct?

A. It was a regulation that the Russians had to be escorted from the camp to the plant. One man from the Plant Security Police escorted several hundred Russians who came from the camp to the plant. That was only temporary. Later the Confidential Agents of the Russians themselves took over these escorting jobs.

Q. According to Balandier the Russians especially were given the most difficult and heaviest of work. Is that correct?

A. There is hardly any heavy work or very heavy work in chemical factories. As far as I know we only had five percent classified as very heavy workers and very heavy work was considered those positions that were exposed to heat. For instance, the boiler-house jobs or people who worked the furnaces. Construction work was so well mechanized that no heavy work had to be done. The selection of the people could be done only according to their ability or to the ease of communication, how we could talk to them. On the whole one couldn't choose very much anyway. At any rate, the communication, the ease of talking to these people was decisive in the job to be given to the particular worker, the language facility that this man had.

Q. We have already talked about the nutrition question of the Russians. Balandier says that their food consisted almost exclusively of soup. What have you to say to that?

A. I can say that I, myself, particularly checked the food of the Eastern workers and that I convinced myself that these people got the normal, adequate ration. You don't believe that one can employ a man for years and give him only a soup in such heavy work as this man Balandier asserts? First of all, nobody would expect that of him and, secondly, you wouldn't have much success with such procedure. I believe that the ration cards are still available and from that you can see what the people got.

Q. In this connection I want to submit Document 39 on page 13 of Book 6. This will be Exhibit 39. This is a ration scale for the camp kitchen in 1944 for the Marie Camp. This was the ration scale for all civilian workers, for prisoners-of-war and for Eastern workers. In Prosecution Exhibit 1399, Book 71, Page 1, there is a letter of the Perschmann Bureau of 4 February 1943 directed to the Plants Combine Central Germany containing information about the circular letter of the Reich Group Industry of 22 January 1943 according to which branches of contract by foreign workers be punished by shortening their rations. Did you act according to the directives contained in this circular letter in your plant?

A. This circular letter which also went to the Plants Combine Berlin was already discussed yesterday in this room and I want to add that I consider it impossible that we acted according to this regulation. Neither I nor any other gentlemen ordered that rations be reduced. That's technically impossible in the event where you feed people all at one time and all together, quite apart from the fact that this procedure would not have had any advantage; nothing would have been improved by this procedure.

Q. I revert to the Balandier affidavit. According to this the Russian women did the same type of work as men did. What do you have to say about that?

A. We had to employ very many women in the plant; Germans,

Russians and French and they were generally used for work that they were suited for and which had previously been done by men because formerly we hired almost exclusively men in the plant but these were not heavy types of work. They were such types for which women were particularly suited because of their adeptness. Russian, French and German female workers worked next to each other in such plants. For instance, in the plastics plants, where there were small lathes and in the electro shop where particular adaptability had to be stressed or light work in the tin shops.

Q. You also expressed your opinion about Prosecution Exhibit 1396. This is a record about Department Chief's meeting. It says that foreign women also were doing men's work. Balandier then speaks about Russian children that were doing the work of men although some of them were only twelve to fourteen years old. How about that?

A. This youth also came along on these Russian transports. As far as we kept them at all these youth were employed only if they were over fourteen years old, then they were employed in the apprentice shops just as the Germans were employed who were fourteen years old or they were given light work in the plants or in the camp so that these boys had some sort of supervision.

Q. Balandier says that all Russians were constantly beaten by the Plant Security Police. Did you observe this or were these things reported to you?

A. No, I didn't observe this myself nor was anything reported to me about this. At the start already because of authoritative regulations the plant leaders always emphasized that beatings were prohibited and that in self-defense or for other reasons some fights occurred among the employees and the workers, that happened all of the time. It doesn't only happen in the case of foreigners.

Q. Balandier then reports about an event where Russians were hanged reportedly on several occasions in the plant where the other Russians had to participate in this ceremony. What do you know about this?

A. I was absent when this happened. When I came back Dr. Lang, my deputy, reported to me that in front of the Russian camp the Gostape had executed approximately five Russians. Dr. Lang endeavored to stop this without success. The Russians who were executed were brought from outside to Bitterfeld. They were not part of the Bitterfeld staff. The reason for their execution did not originate at Bitterfeld. That's the information I have about it.

Q. From your answer it seems you were talking about one occasion but Bolandier says such executions took place several times. Do you know of any other such cases?

A. No, I learned of only this one case.

Q. Would you have had to hear about a repetition of such an instance?

A. Certainly.

Q. Bolandier says the scaffold, the gallows, on which these people were executed had been erected inside the camp. Was there a gallows in this Russian camp constantly?

A. No.

A. No, the Gostape had this built for the purpose, then it was dismantled and this wasn't done inside the camp but in front of the camp. That's what I heard about it.

DR. SCHUBERT: Mr. President, I have reached a definite stage and I would like to have a recess now at this time.

THE PRESIDENT: We will take a recess at this time.

(A recess was taken).

THE MARSHALL: The Tribunal is now in session.

BY DR. SCHUBERT:

Q Dr. Guergin, in the Balandier affidavit, this affiant complains about the manner of work which he considered to be detrimental to health. You already told us something about that affidavit. Now he pointed out specifically with regard to his own case that he was working in the electrodes department and this his work there was detrimental to his health. What can you say about that?

A I happened to know that particular place of work. There can be no question of any detriment to health whilst doing that work. He, himself, does not state any way that he suffered any damage; on the other hand, all chemical plants were strictly controlled with respect to any effect on the employee's health. In this particular plant, we had a professional physician of considerable reputation whose job it was to regularly undertake careful physical examinations. If Balandier's statement should be true generally, then we could not have had such a high percentage of workers with us who had been active in our factories from 25 to 30 years without interruption. This statement is malicious.

Q Your reply brings me to Balandier's statement about the hygienic provisions in the camp for foreign workers which he considers to be terrible. What can you say about the medical care for foreign workers at Pitterfeld?

A You can only designate the attitude of various people towards medical care and physical care as insufficient and terrible, as it is the case generally in Central Europe. The camps were new. There was plenty of space. They were well constructed. They all had central heating, but the vermin was brought in by the inhabitants themselves. There was constant disinfection, against the protests of the inhabitants. To maintain the people in a healthy and clean state was the interest of the larger part of the camp inhabitants, and it was also in the interest of the plant itself. That applied to all other treatments too. I have

always instructed my work managers and all these people who had to do with management of foreign workers that I don't want to meet people abroad later who would dislike remembering the time they spent at Bitterfeld.

With respect to medical care, in addition to the physicians there were hospitals for serious cases. There was a free choice of other physicians in case it was necessary, and there can be no mention made of exploitation up to the point of exhaustion. Apart from that, the people didn't in the least think that they would let themselves be exploited and no one expected them to let themselves be exploited. The amount of sickness in the camp was much lower than in the case of Germans. That was because the camps were located very close to the plant. They were always well-heated and the food was hygienic beyond reproach.

Q Dr. Guergin, in the minutes of the Works and Departmental Leader Conference of the 19 of March 1945, a number of percentages are mentioned with respect to the number of sick people in the camp. In April 1944, the average was ten per cent; at the time those minutes were recorded, that is June 1944, it is said to have been 7%. What in your opinion is the normal percentage of sick persons in a camp?

A Seven per cent at that time, I am sure was normal. It corresponded to the percentage as it prevailed in other plants. Ten per cent in April, I think, can be explained by the increased illnesses during spring. In the year 1944, the percentages were, of course, higher than during the preceding years; even 7 per cent was normal in 1944, 5 per cent would have been normal during the preceding years.

Q In those minutes which I just mentioned, percentages of ill Russian prisoners of war and Italian prisoners of war are mentioned. Did you have anything to do with the medical care of prisoners of war?

A As far as I remember, the care for POWs was managed by Stalag also in the medical field.

Q Balandier, the affiant, who was at Bitterfeld from November 1942 up to the collapse states that the nourishment was absolutely insufficient and of a very bad quality. He said that in his opinion the foreign workers had no choice but to buy additional rations at extraordinarily high prices in order to survive. Would you please briefly, as far as you have not done so so far, define your attitude towards this point.

A I regret very much that only Balandier was given an opportunity to speak on this point. Others would be able to testify that at all times foreign workers received exactly the same ration cards as German workers. Therefore, they could buy meals inside as well as outside the camp. In addition, I.O. Farben during work time distributed a soup which was nourishing and which was unrationed. When breaches of the law occurred and the workers started to black market their ration cards, full feeding was started upon official orders; that is to say, they received basic food and a card for workers working long hours. In other words, they received more than the normal German workers would, they received ration cards for workers working long hours, doing heavy work, and those doing the heaviest work. Then they could use those cards according to their discretion. The Germans naturally envied the foreigners because of this state of affairs. I have already mentioned that naturally additions were made as far as it was possible from the plant. Food was given which was produced by ourselves. Then when it was at all possible, the nationalities were fed according to their habits. The southerners received red wine, macaroni, tomatoes, and different other specialties.

We cooked for them in separate kitchens. We supplied them with cooks from their own ranks. In addition, a large number of small kitchens were instituted in the camps with electrical ovens where the people could cook their own special tidbits or what they had sent to them. The quality of the

food which was bought was currently controlled. I asked that the camp physicians and the factory physician should daily control the food and keep track on that. Even the camp leaders, who had no easy task because there were only very few of them, were strictly instructed to see to it that the fats and other accessories were actually sent to the large kitchens and actually put into the pots. I wanted to be sure that the workers would receive the material which had been bought for them. In view of these masses of people, it is extremely difficult to exercise control. The food stores had to be specially guarded at night because there were always thefts attempted. But the workers themselves were very careless with their ration cards. A lot of money was lost by gambling. Cards were sold and resold and bought and the foreigners soon formed the core of a black market which was not usually the case around that locality. Everything was attempted through organizational measures in order to try to get these people used to discipline who couldn't maintain it and secondly to try to disturb the others as little as possible who had the necessary sense of discipline.

Q.- Balandier complains of mistreatments in the camp. You have generally told us your opinion on that. Could you tell me something specific about that, in addition to Balandier, a camp leader from the Camp Marie was beating other workers with a whip? Do you know anything about that?

A.- I don't know and it seems to me highly improbable that camp leaders would habitually use the whip in dealing with workers. He couldn't have risked doing that for long. Moreover there are thousands of men and very few camp leaders, the whip would have been applied to the camp leader instead for a change. Quite apart, there were certain directives applicable to the treatment of foreigners and excluding very raw treatment. Ac-

cordingly, I have never heard of any actual mistreatments of foreigners. Since my interest was known in this matter and since I repeatedly came into contact with these people, everyone could have drawn my attention to such goings on either by way of writing or verbally. In addition, there was supervision exercised by so many people - by the D.A.F., by the trade union inspections, by the Kreis medical inspections. There was continual supervision. In addition, there were visits by representatives of the municipal authorities to find out how everything was going on and documents are available to us here about these visits and I know of no case where any serious mistreatment took place or where it came to my ears. It is quite possible that there were some rows among the workers themselves and that there was a little bit of fist fighting going on but, after all, such happenings don't only take place in the camps of foreigners.

Q.- In the Balandier affidavit, a penal camp is mentioned in Halle-Sperrgau. According to your knowledge, did I.G. Farben in any way use their influence to have foreigners being sent to these penal camps?

A.- Serious misdemeanors, according to the orders by the authorities, had to be reported. That applied to Germans in the same way, but the policy of the plant was to keep the worker as much as possible for the plant and not to surrender them to a penal camp from where they wouldn't return. It was difficult to get workers, and I always used the skill of my associates in order to quiet down such elements which sometimes could not keep discipline in order to create a public disturbance. I believe that, on the whole we succeeded in doing that.

Q.- I must now put to you Prosecution Exhibit 1396, Book 70, page 125 of the English book. This is a report on a workers and departmental leaders conference at Bitterfeld on the 14th of August 1944. This report contains the following sentence and I quote:

"The educational methods which had proved themselves in different places are to be applied here too."

What was meant by such educational methods mentioned during that conference?

4.- As far as I remember, the applied supervision was apparently not sufficient in every case in order to get anywhere. During the said conference a suggestion was made to try to find out from other people with what methods they had achieved success when trying to control excessive absenteeism. It sometimes happened that workers disappeared for two weeks, three weeks, or more. That these were to be educational methods inside the plant can be seen from the next sentence of these minutes and it is proved that this absenteeism in the factory itself was to be traced back to the distribution of the 3 ration cards. That is to say, the workers only received such additional rations when they appeared for work. Before that, however, they could buy these rations a week in advance and then disappear. Insofar as there were any loopholes inquiries were to be made afterwards at other plants in what manner they, if it was necessary, arrived at their solutions. No thought was entertained about any sending away into correction camps. If there was any thought of that it would have been expressed. One didn't achieve one's aim by sending these people into correction camps because, after all, then you still didn't have your workers. Quite generally, let me take this opportunity of pointing out that an employer who is under great pressure to obtain his manpower and who has to produce necessary chemicals in war time and who has to meet official quotas and official controls would not be doing his job properly if he did not do everything in his power to satisfy all his workers, be they chemical engineers, be they laborers, or be they skilled workers, and provide for them a possibility of undisturbed work. Only if one provides them with suitable housing, proper food and sufficient leisure, the capacity of employees can be assured. It is the first task of the head of any plant to obviate all difficulties and all obstacles which are confronting the will and the power for work.

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It is in the interest of all and it is also in the interest of the employer to make a special effort in that respect and in particular if the situation deteriorates. Let us think of the time of air raids and bombardments. I think I can still say today that in Bitterfeld everything was done as far as it was possible to make the necessary efforts.

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Q.- I am turning back to the Balandier affidavit; French prisoners of war are being mentioned. What kind of PWs did you have in Bitterfeld?

A.- In Bitterfeld there were Frenchmen, Russians, Indians for a time and Italians, so-called "Indis".

Q.- Balandier maintains that French PWs at Bitterfeld were directly employed with the production of raw materials, powder for shooting. Then during cross examination he limited that statement; instead of powder for shooting he spoke of Chlorates with which PWs were employed. Is that raw material?

A.- No, Chlorates which were produced at Bitterfeld, in a large scale and at all times, served for the destruction of woods. They are used for toothpastes. They are found in the heads of matches, to a slight extent, are used for Kali mining where they are processed into an explosive. The Chlorate itself is not explosive and cannot be designated as an explosive substance. Only after it is prepared and processed in combination with carbon containing substances it can be converted into explosive substance but that is only used in the Kali mining. It is then called "Kali Chlorate".

Q.- Would you briefly tell us whether you know that the foreigners who were employed by you came voluntarily or not?

A.- In the case of the Eastern workers who initially had to be kept within barbed wire, one could not assume that they came voluntarily. As they told me, a rosy picture was painted to them about the work in Germany. They mostly came without any luggage. We had to clothe them, etc.

In the case of the Frenchmen, I know that they mostly came through these recruiting offices of the so-called fitting firms. There were others who came because of the labor conscription law in France and who were sent to Germany in the course of that conscription. I am sure that there were many genuine volunteers. There were people from Holland, Belgium, and no one told me anything about his not being voluntary. When they went on furlough home 80 % returned on their own initiative and some of them arbi-

trarily extended their leave by two or three weeks, but most of them did return in the end and I know of foreigners who voluntarily stayed for many years in Bitterfeld even after their contracts had expired.

Q.- Did you exercise any influence on the selection of workers assigned to you by the Labor Offices?

A.- I had no influence at all. The Labor Offices themselves had to make ends meet with such workers as they could make available. Because of the urgency of production, it was impossible to wait until one received any specially suited workers. At all times there was a current scarcity, especially of artisans. If I remember correctly, we always had about a thousand people too few in our factories, a thousand as compared to employees amounting to a total of perhaps twenty thousand.

Q.- Did you try to get German workers?

A.- Naturally, we did everything we could. Initially we couldn't imagine that the work in chemical factories could be done with people with whom one could hardly talk. Of the Frenchmen I have to say in particular that they learned German much faster than our men learned French. The success was quite considerable in the course of the years even if we couldn't do better than using three foreigners, at least, for two Germans who had been drafted into the army.

Q.- I have a few questions regarding Auschwitz. Did you hear anything about the construction of the Auschwitz plant before the Todt or before the Vorstand meetings?

A.- Yes, I heard whatever was reported.

Q.- Did you hear that concentration camp inmates were used for the construction?

A.- I believe to remember that that was mentioned.

Q.- Did you hear anything during these meetings about an inhuman or indecent treatment of these concentration camp inmates at Auschwitz?

A.- No mention at all was made at these meetings about any such thing. I emphasize that even outside the meetings I heard nothing to that effect. In view of the confidence which the gentlemen entrusted with this work enjoyed with Farben, I didn't have the slightest reason to show any lack of confidence on my part with reference to the treatment of human beings.

Q.- Were you ever at Auschwitz?

A.- No, never.

Q.- Did you know about the conditions in the concentration camp of Auschwitz? In particular, did you know anything about mistreatment, or extermination of Jews, or other matters?

A.- I only heard of the existence of the concentration camp Auschwitz when the construction of the Buna plant Auschwitz was mentioned. Throughout all the years the concentration camp Auschwitz was never discussed and I heard nothing about any gassings. I heard about that for the first time through propaganda after the war had ended.

Q.- During the Tec meetings or Vorstand meetings or anywhere else, did you hear about experiments on human beings by the SS or any other way?

A.- No, not at all.

Q.- In Exhibit 1796, Book LXXXII, English page 112, the witness Amend states that the Degesch, the German company for the combatting of insects received, in addition to other poisonous substances, Areginal from Wolfen. What kind of substance is Areginal? What do you know of it?

A.- Areginal is a substance for the combatting of wheat insects which is usually found in the silos. These silos were gassed with Areginal. If the Prosecution has submitted this affidavit to prove that we delivered poison gas to Degesch and that this company, in turn, perhaps delivered it for the purpose gassing the Jews, I can only say that I know nothing of any such possibility of the use of Areginal. I only know that Areginal is being produced at Ludwigshafen and that it was distilled at Wolfen and

that from Wolfen it was delivered to the firm Pharmo-Bayer for sale. In my opinion, that was the only sales center. I know nothing of an occasional delivery to Degesch.

Q.- Dr. Buerger, where were you during the German collapse in April 1945?

A.- At the moment of the collapse I was at Bitterfeld. The American army occupied the place on the 21st of April.

Q.- What did the local administration do at the time it was occupied?

A.- After the army had occupied the place an administration authority also took its seat there; whether it was part of the army or not I don't know. I immediately established contact with the major in question. In particular, I informed him of the situation as it prevailed in the factory and in the camps for foreigners. I gave him the necessary material for his information. I also accompanied him on the occasion of his inspection of the camps and he himself spoke to foreigners and, as a consequence of this visit, he made no complaints to me. He told me of no scarcities. He merely ordered me to see to it that the people would daily receive the minimum rations necessary for human beings — 2,500 calories per day.

The Major at all times had direct contact with the delegates of foreigners about the administration of the camps, and about all of these problems.

He tried to bring about as much self administration as possible, but he never succeeded, so that our assistance was used as before, although the people were no longer working, but were merely waiting to be transported home. There was a considerable fluctuation afterwards. Hundreds left every day; hundreds were added every day, since we were at the Mulde, at the Russian Zone border. There was a continuous exchange of Russian and Western people.

DR. SCHUBERT: I should like now to submit two documents from Book 6 of my Document Book, Document 3, on page 41 as Exhibit 40. This is an affidavit by Krueger, who at the time of the occupation of the American forces was at Bitterfeld. He there had a row with an American officer whom he met and afterwards he was told that the American officer had received a good impression of the way the foreign workers were treated.

As a further document, I should like to submit the next document, Document No. 1, as Exhibit 41. It is an affidavit by Walter Bollmann, who confirmed the incident.

Q Dr. Baergin, were you restricted in your freedom in Bitterfeld in any way?

A No.

Q When did you leave Bitterfeld?

A I left Bitterfeld on the 27th of June, 1945, shortly before the American troops left. I left Bitterfeld because of an order by the CIC, Counter Intelligence, and the American Army.

Q And then where did you go?

A I went to my home town, Whylon, the Upper Rhine, on

the strength of a permit which I had received from the American civilian authorities. At the same time a number of technical experts, specialists and Professors from the surrounding Universities, who had to leave everything they had and were evacuated.

Q Let me interrupt you, Dr. Buergin. Please tell me whether after your return home, you were once more active in your profession as chemical engineer.

A Yes, when I reappeared at my home town, which is in the French Zone, I established contact with the French control offices in Weinfelden, and there I became an engineering adviser at the chemical concern, Pechineu, which has its seat at Paris. I mostly stayed at the plant and I was satisfied with my activities.

Q You received the entry permit in advance from the French authorities?

A Yes, I received that permission from the authorities. Up to the last days of June '47, I was active in France.

Q And what happened there?

A On the 23rd of June I was arrested because of the court authorities here who wanted me, and was at first put into prison at Aix-en-Provence.

Q Were you told why you were arrested?

A I was only told that the American authorities wanted me.

MR. SPEICHER: Mr. President, we do not see the materiality or competency of all of this; since it appears to be going on we object.

DR. SCHUBERT: May I briefly make a remark?

THE PRESIDENT: That objection is overruled. The defendant is entitled to show his conduct within reasonable reservations.

BY DR. SCHUBERT:

Q Dr. Bucrgin, were you told at Aix-en-Provence why you were arrested?

A Well I was not served with an indictment. I was merely told that Nuernberg had demanded my extradition.

Q Were you told what legal provisions you had at your disposal to protest against such extradition?

A Yes, I was told that I could object to this demand for extradition, and that that would lead to diplomatic negotiations, but I did not put in my original objection because I was told by the French authorities that I could expect no success from any such step, but merely a delay.

Q But you received the indictment here at Nuernberg?

Were you ever interrogated on the charges contained in that indictment?

A No. Soon after my arrival this indictment was served upon me.

DR. SCHUBERT: Your Honor, this brings me to the end of my examination of the defendant.

THE PRESIDENT: Dr. Schubert, before you stop aside, may I check with you with reference to some of your documents? We will take first your Book 1, according to my own records, you have one document there that was not introduced in evidence, which is your Document No. 16. Now what is your desire with respect to that?

DR. SCHUBERT: Your Honor, I should not like to offer this document at the moment, because I intend to call the affiant, Schooner, as a witness here.

THE PRESIDENT: Very well.

DR. SCHUBERT: If it should come about that a certain passage of this affidavit will be used during the examination,

then I shall submit it later.

THE PRESIDENT: Very well, that is entirely satisfactory.

In the same connection may I ask you about your Document 5, in Book 3.

DR. SCHUBERT: Your Honor, I have submitted Document 5 as my Exhibit 10.

THE PRESIDENT: I am sorry. I omitted to mark it. Now finally, your document 67, in Book 3.

DR. SCHUBERT: Do you mean 67?

THE PRESIDENT: Yes.

DR. SCHUBERT: 67, I think the same case applies as with Schoenar, because he too will appear before the Tribunal.

THE PRESIDENT: Otherwise that does complete the presentation of all of the documents in Books 1 and 3?

DR. SCHUBERT: Yes.

THE PRESIDENT: Thank you.

Do any of counsel for other defendants desire to interrogate Dr. Buerger?

DIRECT EXAMINATION

DR. BUERGER

BY DR. VON METZLER, counsel for the defendant Haefliger:

THE PRESIDENT: Dr. von Metzler, before you begin, were you intending to speak with reference to Prosecution Exhibit 1958?

DR. VON METZLER: No.

THE PRESIDENT: Then may I tell you, in your absence Mr. Sprecher withdrew his Exhibit 1843, and introduced 1958. You are advised of that are you now?

DR. VON METZLER: Yes, Thank you.

THE PRESIDENT: And are you in a position now to say whether or not you desire to make any objection to 1958?

DR. VON METZLER: Not yet, Mr. President, because I have not been informed about the statement which Mr. Sprecher made in the record, and therefore I would like to know this statement first before I say.

THE PRESIDENT: You are entitled to do that, and you will later?

DR. VON METZLER: Tomorrow morning.

THE PRESIDENT: Thank you.

BY DR. VON METZLER:

Q Dr. Bucaria, I have a very few questions to put to you on behalf of the defendant Haefliger. Are you in a position to describe the field of work of Mr. Haefliger and his position within the Vorstand of the Chemical Sales Combine, and can you judge it from your own observation.

A You are particularly interested in the sale of light metals and that was handled at Bitterfeld. Director Ziegler was in charge.

Q. Pardon me if I interrupt you. I have put a preliminary question to you. I asked you, are you in a position to judge his position and if you are, upon what facts?

A. Yes, I believe I can give you some information because of the fact that Mr. Haefliger and I reportedly were together during meetings when we discussed these problems.

Q. Thank you very much. Now I shall put another question to you. Can you tell us something about Haefliger's relationship to the head of the Sales Combine Chemicals, Mr. Weber-Andreao, and could you briefly describe Dr. Haefliger's position to the Tribunal?

A. Mr. Weber-Andreao, together with Dr. Pistor, dealt with the light-metal products of Bitterfeld. They sometimes did that officially and sometimes privately. That was particularly during the years when light-metal was the subject of particular worry. Then also in view of the considerable importance of export in this field, Mr. Weber-Andreao had considerable contacts all over the world in that respect. During later years, during the war, Mr. Haefliger moved from Frankfurt to Berlin, and Mr. Weber-Andreao had charged him with working on the field of light-metals from Berlin. In this way, therefore, I saw him repeatedly at Berlin and sometimes we went to Bitterfeld. But Mr. Weber-Andreao, as long as he lived, always personally attended to more important meetings where important decisions were made. No decisive part was played by Mr. Haefliger in most cases.

After Mr. Weber-Andreao died, I think in 1943, Mr. Haefliger was to have interested himself a little more intensively in this field, but in the meant time the persons who were directly in charge of the field had become more independent too, and the war situation in particular had restricted means of transportation to a considerable degree.

I don't believe that Mr. Weber-Andreao had had the intention to transfer this field to Mr. Haefliger and thereby give up his own authority in it. He merely asked him to collaborate in this field, as he did with other people.

Is that what you wanted to know?

Q. I have a few more supplemental questions, Dr. Guergin. You just said that after Weber-Andreas's death in 1943 Mr. Haefliger was asked to deal more intensively with the field of light-metals. May I deduce from that that before Weber-Andreas's death he didn't intensively deal with this field?

A. You may certainly assume that. A number of cooks preparing one dish never prepare it well.

Q. Who was in charge of the light-metal field at Bitterfeld from the Sales Department?

A. Well, let's be quite honest. It was Mr. Siegler practically and exclusively.

Q. Whenever important decisions were to be made, did Mr. Siegler turn to Mr. Haefliger?

A. The decisions came from the authorities, and Mr. Haefliger was perhaps only to be informed what had already been decided by the authorities. There was no longer any talk of regular selling.

Q. Dr. Guergin, do you know whether Mr. Siegler, by circumventing Mr. Haefliger, directly established contact with Mr. Weber-Andreas, the director of the Sales Combining Chemicals?

A. He liked to do that whenever it was possible.

Q. Do you mean to say that Mr. Siegler, already before the death of Mr. Weber-Andreas, acted very independently, although he was formally subordinated to Mr. Haefliger?

A. Yes, he did so and also in agreement with Mr. Weber himself.

Q. Now, Dr. Guergin, can you tell us something about the relationship of Mr. Mayer-Kuester to Mr. Haefliger? What did Mr. Mayer-Kuester work on?

A. Mr. Mayer-Kuester worked in Berlin, and handled the sale in the heavy-metals sector.

Q. Well, and what happened there? Did Mr. Haefliger influence the

handling of this field to any great extent, or did Mr. Meyer-Kuester act in a similar way to Mr. Ziegler, that is to say, very independently?

A. Without saying something incorrectly, one could say that Mr. Meyer-Kuester wanted to handle the matters in the same way as Mr. Ziegler, and judging Mr. Meyer-Kuester he often found ways and means and reasons for not informing Mr. Haefliger about certain goings on.

Q. Well, I am coming back to that question later, Mr. Emerin, after you described to the Tribunal in what way Mr. Haefliger was included in the heavy- and light-metal sector before the death of Mr. Weber-Andreao, I should now like to ask you in supplementation: Did anything change in that situation after the death of Weber-Andreao? You answered that in part, but I want you to put it again for the sake of clarity.

A. I don't think that very much changed. I only from time to time heard about events in Berlin, but from meetings I know positively that in particular Mr. Meyer-Kuester said that he would not tell Mr. Haefliger about certain matters.

Q. What, according to your knowledge, was Mr. Haefliger's field of activity? To what did his activity limit itself?

A. I personally used Mr. Haefliger on various occasions to alleviate my work at Berlin. I had to travel enough and I was quite glad whenever I could do my work at Bitterfeld. And in a friendly way I left all the work in Berlin to the people who were there--and that included Mr. Haefliger. How he divided that work with others--I don't know. He was a much better speaker than I at any rate, and during meetings and in letters, for instance, you will often see documents in which we appeared together. I tried to find him a job wherever I could. But that does not mean that Mr. Haefliger had any leading position, any dominating position. My technical jobs were handled by other leading people in Berlin. All the threads ended in my hands, and in the final analysis we only tried to meet all the orders which were given to us from all over the place without making ourselves unpopular.

Q. Would it be correct if I say that the activity of Mr. Hoefliger confined itself to deal with special tasks which had been given to him? In other words, odd jobs?

A. Yes, absolutely. That is quite right. He was given the guiding directive, sometimes through Weber-Andres and sometimes directly through me. Odd jobs—that is right. That is the proper term.

Q. Among these odd jobs, were there mostly tasks which meant contact with abroad?

A. In very few cases. Once in 1937 I went to the United States with him for a few months; and then we did some odd jobs together. Very well.

Q. In conclusion, now let me ask you about Mr. Hoefliger's information of these fields which we have just discussed. Was this information "loose" or was he informed about everything?

A. You couldn't say that Mr. Hoefliger knew or was currently informed about everything. There was little time to write to him and we always had to wait until he came to Bitterfeld or until I came to Berlin.

Q. Well, did he go to Bitterfeld very often?

A. We repeatedly invited him and it would have been my desire to see him there every week, but it often took many weeks before he turned up.

Q. You mentioned that Hayer-Kuester, who formerly was under Hoefliger's charge in the heavy-metals sector, said reportedly that "many matters have to be kept away from him." Why did he make such a statement?

A. Hayer-Kuester used the circumstance that Hoefliger was a Swiss citizen to keep many matters away from him at the beginning of the war.

Q. And how about the time before the war?

A. Before the war we had no secrets.

Q. Did other gentlemen, especially in the metals sub-commission,

discuss that certain things would have to be kept secret from Knefliger, especially because of his nationality?

A. Of course that was not discussed in the commission itself, but before entering the door the one or the other things was whispered into the ear whether it wouldn't be wise to say a little less to Mr. Knefliger because of the war conditions. That was Mayer-Kuester's policy.

Q. —

THE PRESIDENT: Just a moment, please. Would you repeat for the record your last question?

Q. Yes, Mr. President.

Between Knefliger and Mr. Mayer-Kuester, were there any differences of opinion?

A. There were certain tensions at times, but in view of Mr. Knefliger's benevolent character they were always overcome.

Q. One last question, Dr. Suergin. Was Mr. Knefliger, as Weber-Andres's deputy, the head of the Sales Combino Chemicals?

A. Certainly not; he was not a deputy and he was not considered to be.

Q. Was he coordinated to other gentlemen in the Sales Combino Chemicals?

A. Well, there were a number of gentlemen who together were coordinated to each other. There was Mr. von Heider; there was Mr. Bollmann, Mr. Knefliger, perhaps another one...I don't know the name.

Q. There was such a coordination although Mr. von Heider and Mr. Bollmann were not members of the Vorstand?

A. Yes; Knefliger had no urge to get them into the Vorstand.

DR. VON WETZLER: That, your Honor, is the end of my examination of the defendant on behalf of Knefliger. Dr. Aschenauer, counsel for Gattinoni, asked me to put a few questions to the defendant Suergin on his behalf. I am now asking you on behalf of Mr. Gattinoni, Mr. Suergin, about the Skoda-Wetzlar problem.

Was the acquisition of Skoda-Wetzlar discussed in the Vorstand?

A Well, sir, the acquisition was reported on in the Vorstand, as far as I remember.

Q As far as you remember when acquiring this Skoda-Wetzlar, was the point of view decisive that at Moosbierbaum where the main plant of Skoda-Wetzlar was situated, a magnesium plant was to be built?

A At the time Skoda-Wetzlar was acquired no one thought of magnesium.

Q When was the acquisition?

A As far as I remember that was in 1938 after the Anschluss.

Q And when did the question of the construction of the magnesium plant at Moosbierbaum come up?

A The magnesium plant at Moosbierbaum; that took place in about 1941, late fall of 1941.

Q Was that due to an official order?

A This magnesium plant for 24,000 tons was ordered by the authorities.

Q And why was Moosbierbaum particularly selected for the construction of the plant?

A Moosbierbaum was selected because near there was a big Danube water power plant which was to supply power, and in addition, in Austria, there was magnesit not too far away and to a considerable extent this was available to the process, which would have been important.

Q That, Your Honor, will be the end.

DIRECT EXAMINATION

BY MR. LUMBERT:

Q Dr. Lumbert for the defendant Kuehne. Witness, I only have a very short question to you. You said this morning that in your capacity as expert for the Four-year plan for chlorine and caustic soda, and if I remember correctly, you gave the production figures to the Vorstand

of Farben, who were decisive, and whom did you mean in connection with the Vorstand of Farben?

A I must correct myself. I said "my Vorstand at Bitterfeld" that was Dr. Pister. This was not a matter for the entire Vorstand.

Q Then I am right in understanding you that you only had the approval of Dr. Pister and that you don't know whether this matter was known in the other parts of the Vorstand?

A That is quite possible.

Q Thank you very much.

DIRECT EXAMINATION

BY DR. LINGENBERG:

Q Dr. Lingenberg, counsel for Ilger. Dr. Burgin, I have a very few questions to put to you regarding the Norway complex. Do you know upon whose instigation Dr. Ilger, at the end of 1943 and beginning of 1944, became the president of the Aufsichtsrat of the Nordisk Lotterial?

A As far as I remember, and I think it was discussed at a meeting at Oslo, it was the desire of the Hydro partner, in order to take care of Norwegian damage problem. Because the Norwegians themselves did not want to come into appearance -- Dr. Ilger was selected as president of this conference. He was to be president until such time as the matter was settled. As soon as operation was actually started, it was arranged that he would give up his position as Chairman to a Norwegian.

Q I understood you correctly then to say that the fact was not to be a permanent solution?

A No, that was only a temporary measure.

Q That is all.

THE PRESIDENT: Anything else? Then the direct examination of the defendant is concluded. The Prosecution may start its cross examination.

DR. SCHUBERT: Your Honor, I don't know whether it would be worthwhile to start the cross-examination now. If you would like, I will put in a few documents in order to fill in the time, but just as you please.

THE PRESIDENT: I think perhaps that would be better. It is now within six or seven minutes of adjournment time, and if counsel can consume it in introducing some documents, the cross examination may go over until morning.

MR. SPEICHER: Mr. President, we will have no objection to the defense counsel seeing his client this evening, and I think that is probably one of the things involved. I have just a few questions and we would like to continue with the cross examination if we may.

THE PRESIDENT: Very well. You may start on your cross examination.

CROSS EXAMINATION

BY MR. SPEICHER:

Q Mr. President, Mr. Charvata and Mr. Maxman will really conduct this cross examination. I have only one or two questions on some of the last questions by other counsel than the defendant's own counsel, and I think this cross examination will be rather short. Unfortunately, some of the documents we had intended to use will have to be held off for a later time in rebuttal because of the processing difficulties which we labor under as Prosecution just now, for lack of any priority.

Q Dr. Emergin, the defendant Paul Haeffliger, was a deputy member of the Vorstand from 1926 until 1938, is that correct?

A Yes, up to May, 1938, he was deputy Vorstand member.

Q He became a full member of the Vorstand about the same time you did, is that correct?

A Exactly on the same day.

Q Now, am I to understand that you considered Dr. Haeffliger as something of an orphan child inside of the Vorstand of Farben for some reason or other after that time?

A An orphan child? I don't know whether that term means it one hundred per cent or not. Haefliger in early years was always abroad, he was in the United States or Italy. He was principally on travels, and later because of the war situation he couldn't travel any more abroad, and then now and again the impression may have arisen as if no occupation suitable to him could be found at times. Whether "orphan child" is the right term or not?

Q Do you think that any other member of the Vorstand was in a similar position to Dr. Haefliger so far as these restrictions upon him were concerned, such as you have described with respect to Haefliger?

A Among the commercial people, I couldn't tell you any one at the moment. You can't really compare that situation to that of the technical people.

Q It is an anomaly, is that correct?

A I didn't understand. Anomaly is saying too much. I think that is a bit too strong.

Q Well, I didn't quite understand what you really did mean. Let me ask you this, was there any other sales combine apart from the Sales Combine-Chemical which had in it two Vorstand members?

A Yes.

Q Will you tell me what they were?

A Two Vorstand members?

Q Yes.

A Yes, you mean the Sales Combine-Chemical?

Q Perhaps I can simplify the question. In the Sales Combine-Chemical there were two Vorstand members, mainly Weber-Andreas, to 1943, and after Schmitzler to 1945, as well as the defendant Haefliger. Now, were there two Vorstand members in other combines, as far as you remember?

A Yes, in the Dyestuffs (?) there was Mr. Schnitzler and Mr. Weibel; that is just one case, and Mr. Otto — well, there was another third example. I don't remember the name, but that was an anomaly if there were two members of the Vorstand, but of course after they all became proper members of the Vorstand there were no longer any such degrees.

Q Now, can you recall any particular secret which was kept from Herr Haeffliger which was, for instance, told to Meyer-Mueller who was not a Vorstand member. Can you remember one for us now?

A Not the particular subject was I wouldn't say today, but this said Meyer-Mueller who wanted to expand his position with a hole used the circumstance that Mr. Haeffliger was Swiss to keep certain things away from him and to draw a curtain between them.

THE PRESIDENT: Mr. Sprecher, unless you are an advocate of a longer court day, I think we will recess at this time. The Tribunal is in recess until nine o'clock tomorrow morning.

(The Tribunal adjourned until 5 March 1948, at 0900 hours.)

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OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 24**

TRANSCRIPTS
(English)

5-8 March 1948 pp. 8449-8697 (153)

you, Dr. Buegin, who decided that he, a Vorstand member, would do some jobs for you, another Vorstand member?

A. It wasn't my job he did for me - something that I could have decided. In the final analysis, there was teamwork between us. If occasionally, I asked him to do something for me, something which perhaps could have been done by myself, then that does not mean a transfer of responsibility from one to another.

Q. As a technical Vorstand member did you, at any time, give any directives to Knoefliger, who has been termed a commercial Vorstand member?

A. All problems which concerned us always had two aspects, a technical and a commercial one. We naturally had to move along one line. Where exactly the limit is, where the commercial begins and the technical stops, that's very hard to determine. They merge somewhat.

Q. That's right. Now, did you give assignments that were in the nature of directives to Knoefliger or didn't you?

A. Well, I couldn't give Knoefliger any directives, of course.

Q. Why was that?

A. He had to deal with the commercial sector and I was observing the technical sector.

Q. Well, did you ever give any orders to any Vorstand member?

A. What do you mean by orders generally? Can you give me a specific instance?

Q. Did you ever give any orders of any kind to any Vorstand member?

A. As a Vorstand member I didn't give any orders and directives to any of my colleagues nor did they give me any orders or directives.

Q. Now, you will recall from the evidence that there were a considerable number of directives as early as 1936 and 1937 that foreigners were not to be employed any longer, or at least to a very limited extent, in I.G. Farben. Now, how was it that Farben was even allowed to continue to employ, up until 1940, in a high position a person who did not become a German citizen until 1940? Do you know about that? I am referring to Knoefliger. How was that possible?

A. Hoefliger was a very old associate of ours. Hoefliger was not considered as a suspect foreigner. There was no directive not to employ any foreigners. At least I don't know of any such directives. Even in the years before the war, I myself hired foreigners. The fact that somebody was a foreigner was quite apart. It wasn't important. At any rate, as far as we were concerned.

Q. Did you ever hear of any occasion when Hoefliger's being a Swiss citizen before 1940 and having double citizenship after 1940 cause any criticism by the Abwehr, the Gestapo or the SD because Hoefliger actually did anything which was considered more pro-Swiss than it was considered pro-German? Do you know of any such case?

A. I didn't quite get your question. I just got the sense of it, but would you please repeat it just for the sake of exactness?

Q. Certainly. Did, at any time, any of the agencies.....

THE PRESIDENT: Counsel, permit the prosecutor to repeat the question so the witness understands it, and then we'll hear you.

DR. SCHUBERT: Your Honor, I merely wanted to say the following. I wanted to ask counsel to speak as slowly as possible so that the translation can catch up with him. Dr. Buergin is hard of hearing and he sometimes has difficulty with our system of transmission.

BY MR. PROCTOR:

Q. Dr. Buergin, are you listening to the German or to the English?

A. To the German.

Q. Well, will the translators please speak a little louder than.

Dr. Buergin, did any police agency of Germany, at any time, report anything that came to your attention which indicated that Hoefliger had done something which was considered to be more pro-Swiss than pro-German?

A. I don't remember having heard anything like that.

Q. Did Hoefliger, so far as you observed, have the same right and the same duty in the Verstand about asking for information and reporting on information?

A. He certainly could do that.

Q. Did you hear of anything which was not discussed in the Vorstand because Hoffliger was present?

A. I don't know of any such case.

Q. Did anyone from the Commercial Committee or any of the sales combines, who was of Vorstand rank, tell you that they held back information from Hoffliger and didn't tell him what they told the other Vorstand members in the Commercial Committee or in the sales combines?

A. I don't remember any such things.

Q. Do you recall ever having heard any reports within Farben as to why it was important that Hoffliger retain his Swiss citizenship? Did you hear anything about that?

A. No, I never did.

MR. SPENCER: Mr. Chairman will continue.

BY MR. CHAMBERLAIN:

Q. Now, Dr. Baergin, did you attend any meetings of the T&A, the Technical Committee of the Farben Vorstand before the 1st of January 1938?

A. Before the 1st of January 1938 I was once a guest in the T&A. I held a little lecture there about chlorine.

Q. Did you remember the year when you attended this meeting?

A. Either 1936 or 1937.

Q. Now, did you have access to the copies of the minutes of the T&A before 1938?

A. I can't remember. I can't remember.

Q. Well, maybe you remember, did you have access to the minutes of the other committees, of the technical committees of Farben underneath the T&A, the sub-committees?

A. I had access to the minutes of the Sulphur because this field touched upon chlorine, the meeting concerning cyanides where I also participated as a producer.

Q. Well, if you don't remember offhand, I mean, that's sufficient.

Now, Dr. Baergin, if you cannot follow my question will you please

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raise your hand or make some sign and I will try to make you understand.

Now, you testified yesterday at some length about the importance of the light metals and the Bitterfeld Works Combine for peace time production. Now, before you became the head of the Central Germany Works Combine - before that time, were you aware of the importance of this Works Combine for the production of armaments and the production of the so-called K and L products, the so-called war important and vital products? May I rephrase the question? Were you, before 1938, aware of this importance?

A. The sales channels for the individual products were only known to me on a large scale. Where, in the final analysis, the individual products ended, only the sales organization would know about and also the people who had to deal with the transportation.

Q. Well, may I interrupt you for a moment? Now, once more I ask you the question, were you aware of not where the things went to, but of the importance of the Works Combine Central Germany for armament products and the so-called K and L products?

A. In my opinion, Bitterfeld was not active under the category of armament products, if you are speaking of Bitterfeld.

Q. Well, maybe I can make myself a little bit clearer. Now, Dr. Buegin, didn't you give a lecture in 1937, at which the representatives of all the military economy and other military agencies in Central Germany were present, on a topic like that?

A. I can't remember.

Q. Well, maybe I can refresh your memory. May I offer in evidence the Document NI-14306?

THE PRESIDENT: Just a moment. You'd better give that a number.

MR. CHARNATZ: I'm sorry. I marked it as Exhibit 1959, your Honor.

THE PRESIDENT: Thank you.

BY MR. CHARNATZ:

Q. Will you please notice the distribution list and then, on page 2, the Item 2?

Has this refreshed your memory, Dr. Buegin, that you were aware of the importance of the plants of the Works Combine Central Germany for the production of armament products and the so-called K and L products?

A. Even after having seen the document I can't remember this incident.

Q. Well, that will be sufficient.

Now, another question, Dr. Buargin. Can you tell me whether it is known to you or whether it was known to you that the Bitterfeld plant participated already in August 1935 in a meeting at the RLM, the Reich Aviation Ministry, in which the development and the construction of weapons for the Air Force was discussed in detail?

A. I can't remember any such event.

Q. Now, I want to show you a Document 14307. It should be marked as Exhibit 1960.

A. Can you give me a black and white print. I find it difficult to read.

Q. I'm sorry, Dr. Buargin. We have only mimeographs then.

A. I'm suffering from astigmatism.

Q. Now, Dr. Buargin, if you can't remember, the document is marked in evidence. That's sufficient.

A. This document does not remind me of anything.

Q. Now, one question. Do you recall that Bitterfeld, I. G. Farben-Bitterfeld worked to a considerable extent together with the German Navy in the construction of U-Boats?

THE PRESIDENT: Would you mind, for our benefit, indicating the time, the period of time you are talking about, Mr. Prosecutor?

BY MR. CHARNITZ:

I'm sorry, your Honor.

Q. Before 1939, let us say in 1938-1939, when you were the head of the Works Combine Central Germany.

I'm sorry, Your Honor.

A. I can't remember at all that we discussed the question of submarines and that we collaborated with the Navy in that respect.

Q. That is sufficient.

Mr. Sprecher pointed out yesterday, Your Honor, that our documents, for technical reasons couldn't be processed and that we'll introduce them in evidence as soon as possible so that the defense would have ample opportunity to make their defense.

Now, in your yesterday's examination you stated that I. G. Farben was compelled by the RLM, the Reich Aviation Ministry, to conclude a so-called patent pooling agreement with other firms and you said this shows how far at that time "we were forced to do certain things". Could you give me an explanation how I. G. Farben actually was compelled to conclude such an agreement and what the legal basis for such a compulsion was?

A. Farben, on its own initiative -- and if I remember correctly, the document doesn't state that we wanted this patent pool and created it on our own initiative. I think you will find that it says in the document that we formed this patent pool because of official directives. I remember exactly, I don't recall the exact year, that the gentleman who dealt with that question did so with very little enthusiasm.

Q. Well, but you cannot tell us that Farben actually was compelled and what the legal basis for any such compulsion, if there was any, existed? Is that correct?

A. The legal basis is unknown to me. That, however, we were compelled to form this pool I do remember from the conversations which were carried on at the time. That I certainly do remember. If I may explain this point?

Q. Go ahead.

A. I know that we in this pool were the givers rather than the takers and licenses were calculated at a very low rate by the authorities if they were calculated at all.

Q Well, Dr. Buergin, my question was with regard to a very narrow point. It wasn't a question of whether you like it or whether it was proper. It was just a question of whether it was compulsory and we will leave it at that.

Now, another thing: if I remember correctly, you stated yesterday that it was Dr. Pistor who, so to say, appointed you special expert for Chlorine and Electroanalysis within the framework of the 4-Year-Plan that Dr. Pistor actually said that you should become this special expert. Did I understand you correctly?

A Dr. Pistor asked me to go to Berlin in order to do a certain job there.

Q Now, Dr. Buergin, I want to ask you: do you by any chance remember when this was -- which month of the year? Can you somehow tell us in more detail when this was, if it is possible? I know exactly what the difficulty is.

A As far as I recall, that was at the beginning of the 4-Year-Plan work.

Q Now, Dr. Pistor -- Dr. Buergin, isn't it a fact that Dr. Ungewitter, the head or general manager of the Wirtschaftsgruppe Chemical Industry, wrote you a letter in which he said that he, Ungewitter, had recommended you to the 4-Year Plan people to be appointed special expert of the 4-Year Plan?

A I can't remember.

Q Now, maybe I can refresh your memory, Dr. Buergin.

MR. CHURMATZ: I have a document here which I just want to mark for identification, Your Honors, since we haven't processed it. I mark it as Exhibit 1961 and I want to show you the photostatic copy.

THE PRESIDENT: Does it have a document number?

MR. SPRECHER: That is document No. BI-212. Mr. President, until some processing is started the document is not given an "N/I" number.
BY MR. CHURMATZ:

Q Now, does this refresh your memory that you were contacted directly, not from Berlin, and not through your Vorstand member, Dr. Pistor, about

his employment? Just tell us whether it refreshes your memory or not.

A Even after having seen this document, I must say that I no longer remember it.

Q That is sufficient. Now, do you remember, Dr. Buergin, that the Farben Technical Vorstand members called you in in 1936 to discuss the overall investment policy of Farben in view of the new 4-Year-Plan, that you were consulted in your capacity as just an expert of the 4-Year-Plan by Farben?

A I don't remember that to-day.

MS. CHRELTZ: May I offer in evidence the Document NI-14509 which I want to mark in evidence as Exhibit 19627

Q I will show you this document and maybe if you read just the first paragraph, it will refresh your memory. I will hand you a German mimeograph. Maybe you can read that better.

A I can read it, I think. I can read it; that is all right.

Q Just the first paragraph, Dr. Buergin.

A These are minutes of the meetings of the Chemical Committee of November 1936. I didn't attend that meeting. But I have been mentioned because I was the head of the Chlor-Alkali Company and it says have the "exports at the office of raw materials and synthetics. That is Dr. Buergin, too.

Q Doesn't it state that you were consulted, that you were called in?

A No, it doesn't. It says, "Thereupon the expert, Dr. Buergin, and in conference with him the following basic resolutions were passed." No advice is mentioned here; at least, I don't know of any given.

Q Well, I think the document speaks for itself. Now, Dr. Buergin, yesterday you stated that the witness, Balandier, was wrong when he stated that the Russian workers were guarded by German soldiers and you also stated that first these Russian or Eastern workers were kept behind barbed wire and later on this barbed wire was removed. Can you tell us approximately the time when this barbed wire was removed?

A It wasn't removed immediately after the order had come that the

berbed wire was to be exchanged for other material. Since we didn't at that time have material at our disposal for that purpose, I can remember exactly that I told the architect: "If you can't find any material, just put on a sign on which it reads, 'That is no longer to be considered as berbed wire.'" We always got orders but we never got the necessary material to execute them.

Q Well, you see, Dr. Buergin, you are a technician; you look at this from the point of view of the material. I look at that thing from another point of view.

THE PRESIDENT: I might say, I wonder what view the Tribunal should take. By that I mean, what great significance is it as to when the berbed wire was removed?

MR. CHURCH: That was just a preliminary question.

Q But let us forget now when it was removed since you don't remember exactly; but even when this berbed wire finally was removed were these Russian prisoners free to leave the camp at their discretion, just to go outside?

A Yes, yes, they were; at the moment the order came they were free to go, independently of the berbed wire. That was merely a limitation of the camp towards the street.

Q Now, let us — before this order came out and a Russian, an Eastern worker wanted to leave the camp at night against the will of these non-existent Wehrmacht guards, what happened to this Eastern worker? Do you know?

A If he wanted to leave the camp at night all alone? That I can't tell you. He probably had to give some sort of explanation.

Q But if he didn't want to explain anything — he just wanted to leave? Well, just let us drop this. I want to show you a document. Maybe this will refresh your memory what actually happened to this Eastern worker.

MR. CHURCH: I want to mark this document, Exhibit 1963 — no "NI" number, your Honors.

Q Now, you will see this is a report of 1942 of the Bitterfeld Work Combine and on the first page under the heading of "Arkschutz" — can you find it, Dr. Baergin?

A Yes.

Q Can you read out this one paragraph?

A Yes. "On the 18th of July at night" — yes, 1942 — "a factory guard caught a civilian Russian who was escaping from the Russian camp. He shot at him after having called out to him first and killed him."

That was July 1942 and at that time the workers were not free to leave the camp. That was just the time when they arrived and that was the time when the barbed wire was still in actual force if I might say so but I no longer remember that occasion.

Q That is sufficient. Now, Dr. Baergin, yesterday you testified that in front of the Camp Marie approximately five Russians were hanged by the Gestapo. Is that correct?

A Yes, before the Russian camp. The Marie was a different camp.

Q So it was not the Camp Marie? It was the Russian camp or the Russian Camp within the Camp Marie?

A The camps were included in the camp group Marie and in this group of camps the individual camps had their individual names. The old main camp was called "Marie." Another one was Anthony; the third was Women's Camp; the fourth was called Russian camp. They were separated from one another.

Q Let me ask you a question. You were the president of the Camp Marie Association, isn't that a fact — the first president?

A No, that was Mr. Yoerres.

Q Do you want to say that at no time during the war you were the first president, Vorsitzender, of the Verein Lager-Marie, E.V.?

A I don't remember it, as long as this association existed, that I was ever the president. It was always Yoerres.

Q We will leave it at that, Dr. Buergin. Now, you stated that you were sure that these approximately five Russians were hanged in front of the camp and not in the camp and that at the time when this thing happened you were absent from Bitterfeld. Is that what you said?

A Yes, and that is how it was reported to me.

Q Now, can you tell us the circumstances, how this awful event was reported to you? I think it is not unfair to ask you since this must have considerably shocked you, this event; maybe you remember the circumstances.

A Yes, I remember then, Dr. Lang who told me about it was quite shocked about the event and he regretted very much that he did not succeed in preventing it. In this case, though, we were not concerned with people from our camp. There were others which came from the outside.

Q Now, maybe it will refresh your memory if I show you a letter which Dr. Lang sent to you, Dr. Buergin, on the 14th of July 1944 in which he gives you a written report that this hanging happened.

MR. CHAMATZ: I want to mark this document for identification as Prosecution Exhibit 1963.

THE PRESIDENT: Now, Counsel, is the purpose of this to contradict the witness upon the theory that he has testified that it was an oral report and you are trying to show that he received a written report? Is that the purpose of it?

MR. CHAMATZ: No Sir, it is the substance of what he said, whether the hanging happened in front of the camp or within the Camp Marie. It is the substance of what he said, whether the hanging happened in front of the camp or within the Camp Marie. It is that.

THE PRESIDENT: That is a pretty small circumstance to consume the time of the Tribunal and everybody, as to whether it occurred on one side or the other of a fence or a gate. It just seems to me that the Prosecution ought to utilize the time the Tribunal allows for cross examination on subjects of more substance than we have had for quite a little while this morning. It is just picking small circumstances and I think you gentlemen can see that circumstances of that character are not going to

be very important in the determination of the real issues of their case.

MR. SPENCER: The last exhibit will be marked in without further reference as soon as we have it processed. Mr. President, with respect to some of the other material that was introduced this morning, I very respectfully ask your Honors when to see them and read them in full to compare them with the answers of the witnesses. "I don't remember. We think it will be very important to you at that time.

MR. CHAPMAN: Now, may I just mark this document as exhibit 1964? Now, just one more question, your Honor.

Q Yesterday, you testified that some of the Western workers, when they went on leave came back, a certain percentage did not come back. Now, do you recall, Dr. Buerger, that you yourself made certain suggestions how these French workers, when they went on leave, should be treated or, rather, what should be done to secure their return to Bitterfeld?

A I remember that we were asked by the authorities, at the time already a number of Western workers were no longer returning, to have them give us some sort of a trustee; that I do remember.

Q Now, do you recall that you also made a suggestion that through certain arrangements with people in Western Europe these people somehow should be brought back?

A I only remember that the people who no longer returned had to be reported; as I had to request substitutes for them.

Q Now, just one thing: may I — you used the German word "Buorge." It was translated as "trustee." Do you know English?

A Not sufficiently.

Q Now, let me show you a document, Dr. Buerger. I want to mark this document as Exhibit 1965 for identification and I want you to look at the second page of this document at the bottom; you will find two handwritten remarks. Can you tell me first whether this is your handwriting?

A Yes, it is my handwriting.

Q Now, could you read out to us these two remarks? It is rather

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difficult to read?

A Yes. "French people going on vacation have to provide trustees or guarantors. In other words, the authorities asked that in case these people did not return somebody else had to wait to take his leave until the other person had returned.

Q Will you now read us the second short sentence?

A "Private agreements" — and then it says "slave traders with leaves."

Q I think the sign is the German shorthand for the word "mit." "Private arrangements with slave traders" — is that what he wrote?

A Yes, and then a question mark at the end.

Q That is sufficient.

MR. CHAMATZ: Mr. Newman will continue the cross examination, your Honor.

BY MR. NEWMAN:

Q Do you remember, Dr. Buergin, that in October 1939 you were in touch with defendant Haefliger concerning the acquisition by Farben of Polish chemical plants?

A No I can't remember.

Q It will be shown in HL-1160. We produced this in evidence as Exhibit 1966. This is a memorandum by Farben Director Kuenicke on October 23 1939. If you will, please, turn to the left top corner and see the remark to Herr Direktor Dr. Buergin with reference to your telephone conversation of today with Herr Haefliger." Dr. Buergin does this refresh your memory?

A I don't remember this memorandum. Let me finish reading it.

A. I do not know who Mr. Huenicke is. I want to read it through, first.

Q. Now you testified yesterday that as you put it quite definitely, the order for you to go to Poland in Fall 1939, did not come from Farben but from official agencies. The letter before you says in connection with Farben's intention to acquire Boruta: "we consider that the investigations and inspections which are necessary for this plan would," and they are speaking of the Boruta Plant "offer an opportunity to be also to the electrolysis plant in the industrial region of Sandomir."

Does this refresh your recollection as to who gave you the order to go to Poland?

A. I know exactly that the order did not come from Farben. I do not remember the memorandum, although it does bear my initials. That the order to visit the electrolysis plant in Sandomir came from an official agency I remember exactly. We went there in an official car, with a permit in Oberregierungsb.

Q. Who went with you?

A. An Oberregierungsb. by the name of Egeroff.

Q. To whom did you report on your trip to Poland?

A. I do not remember having made any report. I do know, however, that Mr. Egeroff made a report which I co-signed.

Q. Didn't you report to different Vorstand members of Farben, among them Weber and Krause?

A. I do not remember that today.

Q. Which principal industrial plants in Poland did you visit, and in what city?

A. I was in Cracow, at the Solway-Soda factory, at Oswiec, where there was an electrolysis plant, and I was at Sunde where a plant was being constructed; and then a small electrolysis plant, but it was only in the first stages of construction; foundations were being erected.

Q. Did you inspect rubber plants too, among them Debica,
D-e-b-i-c-a?

A. Yes, we passed a plant, Debica, where rubber was being pro-
duced some time ago.

Q. Do you recall that you made travel notes describing which
plants of the Polish industry will be of interest to the German in-
dustry for a different use?

A. I will show you HI-1150, that we introduced in evidence as
Exhibit 1967. It will be sufficient if you just read the last para-
graph of your letter to Engeroff. Now you mentioned there the Debica
plant. Is it not true that the Debica equipment was later shipped to
I.G. Farben plants?

A. I do not know that.

Q. Before you made your recommendations, did you consider whether
or not in the International Law, there are limitations restricting an
occupying power in utilizing the economic potential of an occupied coun-
try?

A. I made no legal deliberations of any kind.

Q. When you made your inspection trip did you recognize the
directives or decrees that Poland was to be considered a dissolved state,
and that it was to be used as a raw materials and manpower basis for
Germany?

A. I cannot say anything with reference to that time. I really
do not know what the legal basis was for the activities of the author-
ities.

Q. Turning now to Russia, in your Document Book No. 1, you submitted
as Your Document No. 64 an affidavit by von Heider. This is Page 36
of the German and also of the English book. I am now referring to that
part of the affidavit which is on Page 52, again both the German and the
English book. He says:

"The I.G." -- speaking of one of the Eastern corporations, etc. etc.,
"The I.G. has also not supplied any workers, neither commercial nor

technical personnel, nor any other kind, for any activities in these two plants". He is speaking of two Russian plants. "On the contrary, they have repeatedly declined to do so". Do you know anything about that matter yourself?

A. No, nothing at all.

Q. Then turning to Gerasy, you commented yesterday, on Prosecution's Exhibit 386, which is in our Document Book 48, page 40 of the English and 70 of the German Book, -- this is a letter you and W. Endel wrote to Dr. Schmidt, Ter Meer and others, on Goering's plan to draw on the occupied territories for assistance in securing the German aluminum supply. You will be shown this document again for your convenience. I shall read just two or three phrases from your letter, which in the copy before you has been marked by red pencil, and shall then ask you whether these were your own suggestions and opinions, or with whom they originated.

From the second paragraph of this letter, -- Professor Frauch --

THE PRESIDENT: Is this a letter written by the defendants? You are asking whether they are his own ideas.

MR. ENDER: Yes, because according to what he testified to yesterday it is not clear to me whether or not he wished to say that he just reported on the suggestions of others, or whether this was his own.

THE PRESIDENT: Did he testify as substance that this letter did not express his ideas?

MR. ENDER: I don't think this was quite clear, and I would like to have this cleared up.

Professor Frauch asked Farben to reveal its intentions as to the extent and type of its participation in this project, and from the next paragraph, "Decisive participation by Farben in the aluminum development may become the key factor in Farben's control of these water works".

And the last section, this is from the last full paragraph on page 2: "We believe that Farben should declare this field fully and"

entirely for some of interest and decide for participation on a large scale.

Now with whom did these suggestions originate?

A. Let me just make one thing clear. I co-signed that letter. The writer of that letter, as I have said already, is Dr. Roschel. He came from Berlin where he had connections with Dr. Koppenberg. He condensed in this letter whatever had heard there. To that extent his statements as to the origin of his information are correct, I cannot confirm, because I did not attend these Berlin conferences.

Q. With whom in Farben did you maintain the closest contact concerning the development of the German light metals project?

A. In regard to this letter I turned to the three gentlemen to whom it is addressed, but as already mentioned yesterday, all proposals were very short, because superfluous because the authorities made different decisions.

Q. Dr. Durgin, after Roschel had become manager of the Lettmetall Company, did you go on advising him?

A. I was in the Aufsichtsrat of the Lettmetall, and Dr. Roschel was in charge of Lettmetall.

Q. Did you advise him?

A. As far as we were together during Aufsichtsrat meetings, we conferred together.

Q. In case any technical problems came up, we certainly discussed them. The real expert, however, the person really familiar with that factory, was Dr. Roschel himself.

Q. You also discussed yesterday, Prosecution's Exhibits 1201 and 1204 in our Document Book 65, pages 65 and 73. These were false notes, of which you received copies, by the late Dr. Kersten, concerning the increase of Norsk Hydro's capital stock. You testified that you had nothing to do with this matter. Now my question is this: Was it not clear to you from these letters, that it was the purpose of it

least one of the purposes of this transaction to take away the stock majority in Norsk-Hydro from the French stockholders and to create a German stock majority?

A. About these purely financial matters, I have once received a copy from Dr. Kersten, as you just said, but I really had nothing to do with the development of the matter, increase of capital, etc. I was not responsible for that.

Q. You did not quite answer my question. My question is whether this was known to you, after you read the file notes of Dr. Kersten?

THE PRESIDENT: Just a moment. There is no use, if he received the file note, and it said what you infer, in your question, was it known to him. The file note would speak for itself on that.

MR. TOLSON: I shall come to my next question.

THE PRESIDENT: I may say to counsel that unless the Prosecution finds it possible to conclude this cross-examination in the next five minutes, the Tribunal is going to be of the impression that the Prosecution took too long in the cross-examination of this defendant.

MR. TOLSON: Mr. President, we will conclude within the five minutes.

BY MR. NERMAN:

Q You submitted in Document Book 1, as your Document Book 4, your Exhibit 37 an affidavit by Meyer-Negelin to the effect that I.G. Farben shipped valuable equipment to the Norwegian Herøen Plant. Is it not true that this equipment was re-shipped to Germany before the end of the war?

A Of this equipment, a very small part of individual apparatus was sent back to Germany. The plant is today in operation, at least so far as a chlorine factory is concerned, and the magnesium factory is to be put into operation soon.

Q You said yesterday that an over-all investment of about 300 million Reichsmark was intended in Norway under this plan. Is it not true that under the German plan, a large part of this amount was to be and actually was put up by the Norwegians themselves?

A There is some confusion there. This 300 million marks object was the Koppesberg object, not Lettmetall.

Q You mean the Air Ministry?

A Yes. The Lettmetall object was an object of 160 million kroner. A third of that belonged to Hydro, a third to Nordag, and a third to Farben. These were the three thirds who financed it.

Q Can you tell us in round figures what over-all loss Norsk-Hydro sustained by its participation in the German light metals project?

A The entire loss? I would assume that Hydro had no loss whatsoever, but on the contrary, had a considerable increase of assets. At first there were the plants which we constructed at Herøen, and then they had the power plants at Moor, which also belonged to the object.

MR. NERMAN: I have no further questions, your Honors.

THE PRESIDENT: Does that conclude the cross-examination of this defendant? Is there any re-direct? I may say, counsel, that it ought not to require a very long period for re-direct examination.

Very well.

RE-DIRECT EXAMINATION

DR. ERNST BUERGIN

BY DR. SCHUBERT:

Q Dr. Buergin, as Exhibit 1957, a letter was submitted to you from Parson Bitterfeld, addressed to a number of agencies of the Wehrmacht, and in those letters notice is given of a lecture which you were to hold. Can you remember that at the time you ever held a lecture?

A I do not remember this incident in the least.

Q Did it ever occur that such meetings were planned and later given up?

A That is quite possible.

Q I beg your pardon?

A Yes, that is quite possible.

Q Exhibit 1960 is signed by Dr. Neukirch. It is dated 1935. Where was Dr. Neukirch active at the time, and to whom was he subordinated?

A In 1935, Dr. Neukirch was working in the inorganic scientific laboratory at Bitterfeld, and this scientific laboratory was directly subordinate to Dr. Pistor.

Q Is it true, Dr. Buergin, that everything which you know about the patent-pool, the patent agreement about magnesium, merely is based upon hearsay, - upon what you were told by others?

A I did not participate in those negotiations.

Q Thank you very much. That will be sufficient. Dr. Buergin, from exhibit 1961, it becomes apparent, very clearly, that Dr. Ungewitter had written to you and has mentioned that he recommended you to this position in the Four Year Plan. Quite apart from this letter, perhaps even because of this suggestion, did Dr. Pistor discuss this matter with you, or did you ask Dr. Pistor about it? Tell us quite briefly.

A Without asking my superior, I could not at all define my attitude towards this request. Ungewitter actually, if he wanted to be correct, should have turned to Dr. Pistor.

Q I now come to the document which is offered this morning merely for identification. That was Exhibit 1965. It bears your file note, "slave traders". Let me refresh your memory and tell you that the author of that letter was a certain Tschertter. Who was Tschertter?

A Tscharter was in the social welfare department.

Q Well he writes in the next department and plant leader meeting it is again to be pointed out that reserve must be exercised in granting of leaves and then, your note. It says here, "French workers: Supply guarantors or trustees?" Was that your suggestion; was it Tscharter's suggestion, or was that discussed during one of the department or plant leaders conferences? Tell us quite briefly.

A That was neither a suggestion by Tscharter, nor did it come from me. It was merely a reference to the official directive to put up trustees.

Q Underneath that, "Private agreement," - underneath that, it says: "Private Agreement". After that a question mark. Did you mean to say that you could not imagine on what basis, something like that could be arranged? What did you imagine?

A Well, that is very clear. In order to assure the return of these people from their leaves, agreements were to be made with the firms who supplied these loaned workers, so-called Montage firms, and ironically they were designated here as "slave traders."

Q Dr. Buergin, in Fardon was it absolutely customary, was it a very ordinary expression, to call these Montage firms in a more or less jocular form, as "slave traders"?

A To what extent that was actually customary, I cannot tell you today. At any rate if it is my job, as I know it was the Montage firm job to get people and to send them to work, and if the people maintain that they did not come quite voluntarily, then in my way of expression, a joke like that could perhaps be understood.

Q Did you think perhaps, Dr. Buergin that this Montage firm which gave you their workers, as so-called loan workers, that they themselves did not undertake any risk but that they got quite a bit of money paid for themselves, - a middle man's fee of the salary?

A If they did not employ Masse workers in a group but assigned and

distributed them individually, and under those circumstances it was quite clear that they made some profit on the people they supplied.

THE PRESIDENT: Dr. Schubert, we had better take our recess at this time.

(The Tribunal in recess until 10:45 hours.)

THE MARSHAL: The Tribunal is again in session.

DR. SCHUBERT: I have only a few more questions, Mr. President.

BY DR. SCHUBERT:

Q Dr. Buergin, one more question about this document that we have just been discussing, Prosecution Exhibit 1965. If I understand you correctly, when you say "slave trader," you are referring to the construction and assembly firms that supplied workers, on a loan basis is that right?

A Yes, I was speaking ironically.

Q I didn't understand your answer. Would you mind repeating it?

A Yes — and not the people.

Q Did you mean to say that the workers supplied by these construction and assembly firms, so-called loan workers, were not voluntary workers?

A That really has nothing to do with this question. Only the circumstance that somebody is profiting from the work of another without working himself. That is what was meant.

Q Now, about your trip to Poland, Dr. Buergin, Prosecution Exhibit 1966 has been put to you, a letter of a certain man named Koenicke, whom you don't know. It is dated 23 October, 1939. Was your trip or the plan for your trip for which you had an assignment from the authorities known in Farben?

A I believe not. At any rate I do not remember having talked about it to any Farben people beforehand.

Q Could Farben in Frankfurt have learned about this assignment in any other way?

A That is possible.

Q At any rate you maintain that you had only an official assignment?

A Yes, certainly.

Q In this letter, Exh. # 1966, there is a reference to your telephone conversation with Mr. Haefliger. You probably discussed this projected trip with Mr. Haefliger, is that possible?

A I cannot remember all the circumstances, but I do remember very well that the authorities asked me to accompany Oberregierungsrat Engeroff.

Q One more question about Exhibit 1967, your letter to Engeroff where you make certain suggestions about this factory in Dombica.

Do you know whether anything was done, whether any action was taken on those suggestions, or did you yourself later do anything in this matter?

A I cannot recall any later action in this matter. Dombica was not in my field of work, anyhow.

Q Now, the last one is Prosecution Exhibit 1962, a record of a meeting in the Chemicals Committee, and you were called to the meeting later. That is made quite clear in the document even if you do not remember it. In this document you, Mr. Ambros, and Mr. Wurster are called "Referenten" in the Office for Raw Materials, and synthetics. Is this name correct?

A I am not acquainted with it, but it can't be right because Referent meant people who worked constantly in the office.

Q On the 20th of November, 1936, the Four Year Plan had just recently been set up and people did not quite know the exact functions of this Plan. Perhaps that is the reason for this inaccuracy.

MR. SPEECHER: Mr. President, we object to that as leading, suggestive and argumentative.

MR. SCHUBERT: I shall formulate the question differently.

BY MR. SCHUBERT:

Q When, according to your recollection, did the Four Year Plan go into effect?

A I can only say 1936; I do not know the exact date.

Q Was the organization of the Four Year Plan fully complete within a short time, or did that take a longer time?

A I cannot tell you that. I did not have anything to do with the Four Year Plan, its arrangements.

Q Then you maintain your testimony that it was only occasionally and only as an outsider that you were called upon for certain assistance?

A Yes, I was by no means a Referent.

Q No further questions.

BY MR. VON MULLER (Counsel for defendant Haefliger):

Q Mr. Baergin, I have only a very few supplementary questions. You said in answer to the question of the prosecutor as to whether you knew of a case in which objections were made with respect to Haefliger being a foreigner by the party. You said you could not remember any such incident.

Now, to refresh your memory I would like to put something to you. Do you perhaps remember that the Gauldigung of the NSDAP in Heston decided that Mr. Haefliger be removed from the Vorstand because he was a foreigner. This was in the year 1941.

A I cannot remember that.

Q Thank you. You also said, when the prosecutor asked whether Haefliger's colleagues had kept certain things from him because he was a foreigner — you answered that you did not know that. Now, I should like to ask you: Do you know or are you acquainted with that part of Haefliger's work like apart from the light-metal and heavy-metal field?

A Outside of this field I am not familiar with his work.

Q Then you cannot give any information as to whether in these other fields information was kept from Haefliger because he was a foreigner?

A No, I can give you no information.

MR. VON MULLER: No further questions, Mr. President.

THE PRESIDENT: Anything further in the way of redirect examination?
Any further cross-examination?

RECESS EXAMINATION

BY R. SPEICHER:

Q Just one small point. Dr. Buergin, about the so-called
Montage firms which you referred to in connection with the Hildebrand (the
slave) entry, were these firms which were working in any of the plants
in Belgium, France or other places who were acquiring workers and sending
them to plants of the Werke Combino Central Germany? Which was it—or
was it both?

A The firms had representatives in our territory. I had no
direct contact with them. I cannot say where the emphasis was; presumably
at the place where the people were working. I do not know what extent of
their work was abroad; I can't tell you that.

THE PRESIDENT: We assume that that is all, and there is no indica-
tion to the contrary.

The defendant Buergin is excused from the witness box and may assume
his seat on the dock.

(Witness excused)

DR. SCHWAB: Mr. President, my colleague von Mettler was not able
to finish his presentation of evidence recently because his witness
Garcia was not here. The witness has now arrived and Mr. von Mettler
would like to call him at this time. I have no objections to this.

THE PRESIDENT: Very well. The Marshal will bring in the witness —
just a moment.

DR. VON METTLER: One moment; I beg your pardon. May I ask first
whether this perhaps is a suitable moment to afford me an opportunity
to discuss very briefly the question of admissibility of Prosecution
Exhibit 1958? The Prosecution made a short statement on this subject
yesterday.

THE PRESIDENT: Oh yes, we recall that you did say you would have
something to add on this subject today. We will hear you now, Doctor.

5 March 1948 ~~MUSKAT~~ Schwar (von Schon)
Court 6, Case 6

MR. VON METZLER (Counsel for defendant Gajowski): Thank you very much. Your Honors, I object to the admissibility of the documents submitted by the Prosecution as Exhibit 1958 on the ground of irrelevancy. In his examination in chief Dr. Gajowski testified on certain financial relations between DAG and I.G., who owned a substantial part of the shares of DAG. He furthermore testified that by a certain agreement DAG was bound to surrender their profits to I.G. who in their turn had guaranteed a certain dividend of DAG.

On the other hand, Dr. Gajewski testified that especially in the field of the production of the explosives and munitions, which formed an essential part of DAG's production program; I.G. did not exercise an actual control and, therefore, in this field DAG acted in an independent manner. This statement of Dr. Gajewski is corroborated by the documents offered by the defense in the DAG document books to which my learned friend Mr. Sprecher referred in his statement yesterday afternoon. These documents contain also the affidavits of Dr. Schmidt to which special reference was made. Now the question which is at issue in this trial is Farben's participation in the dealings and activities of DAG in the field of production of explosives and munitions as part of the preparation of an aggressive war. In other words, as we are engaged here in a criminal case the actual exercise of control by Farben in this field is the question at issue. The mere possibility to exercise such a control by virtue of the rules of the civil law is in my opinion of no relevancy at all. Now in applying this line of argument to the documents offered by the Prosecution, I submit the following:

These petitions have been filed in a tax litigation conducted by DAG. The issue of this litigation was the question whether on account of a certain financial and economic dependency of DAG on I.G., the deliveries of products between these two companies were to be exempted from turnover taxation. Therefore the whole arguments and representation of facts in these petitions are governed exclusively by aspects derived from the German tax law, and have nothing to do, in my humble opinion, with the question of a criminal responsibility of I.G. for the activities of DAG in this field. I submit therefore that these representations of facts, being

advanced in the light of tax law aspects only, can not be of any relevancy in a criminal case. Therefore, I object to the documents on these grounds.

THE PRESIDENT: Now the Prosecution stated yesterday the theory upon which it was offering the last exhibit, 1958. The Tribunal has had the benefit of the observations of counsel for the defendant as to why he thinks the exhibit is inadmissible. May we, with due regard to the rights of counsel, now consider that your views have been sufficiently stated to the Tribunal? That we are at liberty as soon as possible to make a ruling? In other words, we do not want to unduly extend this argument at the same time, we do not want to find ourselves in the unhappy situation of not permitting counsel to state their views to the Tribunal as they have a right to do. What do you have to say, Mr. Sprecher, is there anything you feel you should add?

MR. SPEICHER: Just along one line, because the Prosecution believes those three positions in connection with other evidence are important for a number of purposes. For example, assuming that the control of I.G. Farben financially over DAG was less than fifty per cent -- which it wasn't, but assuming that -- we think that the knowledge and the relationship between I.G. and DAG, quite apart from any question of financial control or operational control, is an element of importance in this case. That is to say, I.G. also had dealings with other firms and other agencies which we do not claim were controlled by I.G., which are certainly of importance in this case, and the exhibits in the DAG book which the defense have offered have indicated that the defense themselves understand that the sole issue here is not this question of actual control or exercise of control.

THE PRESIDENT: Thank you, gentlemen. Now the Tribunal has the offer, the objections, and has had the benefit of the statements of counsel as to their views. We will try very promptly to rule on that. In the meantime, are you situated to go along with the examination of your witness, Dr. von Metzler?

DR. VON METZLER: Yes, Mr. President.

THE PRESIDENT: Will you state his name to the Marshal, so that he can bring him in?

DR. VON METZLER: Mr. Joersch.

MR. HANS JOERSS, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Mr. Witness, will you please remain standing? Raise your right hand and state your name for the record.

A Hans Joersch.

Q And now repeat after me the oath: I swear by God the Almighty and Omniscient that I will speak the pure truth and will withhold and add nothing. (The witness repeated the oath.)

THE PRESIDENT: You may be seated, Mr. Witness. Has the use of those two light bulbs in front of you been explained to you?

A No.

THE PRESIDENT: The yellow light is a caution light and when it is illuminated it is an indication that you are talking too rapidly and should go more slowly. If the red light is displayed, it means that you shall stop and not talk at all until told to do so, and just one thing further. We are running this trial on two languages here and will you please, before answering a question that may be propounded

to you, by counsel, wait momentarily until the translator has converted the question into English and do not start to speak. You will hear the translation remotely on your earphones and do not start to speak until the translation has been completed. If you will bear that in mind, and just one thing further: Remember also that as short and as direct and as brief as you can make your answers the better it is, and if you feel that the matter needs elaboration, you may leave that to counsel to ask another question. If you will observe these suggestions they will help us very, very much and we will appreciate your cooperation.

DIRECT EXAMINATION

BY DR. VON METZLER:

Q (Dr. von Metzler for the defendant Gajewski):

Mr. Joeres, would you please, for the record, give your full name and the date of your birth?

A Hans Joeres born on 9 February 1899.

Q Mr. Joeres, do you know the defendant, Dr. Gajewski?

A Yes.

Q How do you know him?

A In February 1937, I was transferred from Leverkusen to Wolfen-Bitterfeld and was put in charge of the social welfare department there for the Works Combine-Berlin, and the Works Combine-Central Germany of I.G. Farben industry. From February, 1937, on until March, 1942, I worked with Dr. Gajewski. He was my immediate superior.

Q Mr. Joeres, you have just been speaking of two Works-Combines, Berlin and Central Germany. Which of these was under Dr. Gajewski?

A The Works-Combine Berlin was under Dr. Gajewski. This had its headquarters at Wolfen.

Q Which plants belonged to this Works-Combine Berlin?

A The Works Combine included the Film factory at Wolfen, then the plant in Berlin, Prenzlitz, Rottweil, Bobingen.

Q Thank you, Mr. Joeras, would you please tell the Tribunal about your work and your duties as head of the social welfare department?

A As head of the social welfare department, I had to take care of the social welfare questions of the plants in the Works-Combines which I mentioned; that is to say, I was in charge of the social welfare institutions and arrangements in the Wolfen-Bitterfeld area. The sickness insurance, the pensions, welfare arrangements, theatres, homes, hospitals, communal housing, social funds and other things. In addition, I had to orient the policy of these plants from the social welfare point of view. I had to pass on Farben directives for the social welfare policy of the plants; also I had to represent these plants in dealings with the welfare authorities, with corporations of public law, the Party and DAF agencies, the Labor office, the labor commitment authorities, and others.

Q Did you have anything to do with labor commitment?

A Yes.

Q. Did this activity which you have just described concern only the film factory at Wolfen or also the other plants?

A. No, also the other plants; directly the plants at Wolfen-Bitterfeld — the dye-stuffs factory.

Q. Are not interested in that. I mean only the plants of the Berlin - Works-Combine.

A. The film factory in Wolfen directly, and, as I said before, I had to orient our policy with that of the other plants of the Berlin-Combine-Berlin.

Q. Very well. How about the local labor committee. How was it in the other plants? Who was in charge of it in the other plants of the Berlin Combine-Berlin?

A. The other plants of the Berlin Combine-Berlin were independent in their plant social welfare policies. They had their own plant leader and confidential counsel (Vertrauensrat) and they reported their labor requirements directly to the local labor authorities.

Q. And that about direct social welfare care of the employees of the other plants of the Berlin Combine - Berlin, with the exception of the film factory at Wolfen?

A. For direct social welfare care in the various plants, there was in charge of all these plants' own social departments or offices which were directly under the plant leader, (Betriebsführer.)

Q. Then these plant leaders of the other plants had their own responsibility in such questions of local labor committee and the direct social welfare care for the employees, did they not?

A. Yes, as plant leader in the sense of the law regulating national labor, they had the obligation to settle such social welfare questions directly with their confidential counsel in the plant.

Q. And if I understood you correctly, your activity in the other plants of the Berlin Combine - Berlin with the exception of the Wolfen plant, the film factory at Wolfen, was limited to passing on general

directives about social welfare?

A. Yes.

Q. For social welfare?

A. Yes, I must add: the film factory at Wolfen had its own social welfare office, just like the other plants.

Q. Very well. Were you in charge of labor commitment matters at Wolfen?

A. Yes.

Q. And will you please describe very briefly how this took place?

A. I have already said that I had to represent the Farben plants at Wolfen-Bitterfeld in dealings with the Labor office and the Labor commitment Administration, and I reported the labor requirements of these plants to the Labor office. I had to see to it that the Labor office had the requested workers available and I had to be in constant touch with the Labor office.

Q. Mr. Joess, I now come to the employment of foreign workers, specifically at the Wolfen film plant. Can you tell the Tribunal very briefly how this employment came about? When the first foreign workers came there? How many came there? Please give a concise description from your own experience, that is up to the summer of 1942.

A. When I came to Wolfen-Bitterfeld in February, 1937, there was in the plant a constant lack of workers, and for this reason, a large number of German workers were brought to Wolfen-Bitterfeld from other parts of the Reich to work there. The beginning of the war.

Q. Excuse me if I interrupt you, Mr. Joess. What was the reason for this lack of workers which you have mentioned, even before the war began in the Wolfen area?

A. In the 1930's this district had been industrialized to a great extent and the Farben plants particularly had started a very extensive settlement and housing project to obtain houses for the workers and their families. A large number of construction firms had come to the Wolfen and Bitterfeld area and their workers also had to be housed.

The war made the situation more acute because of the draft, and there was such a noticeable scarcity of workers that the plants were forced to restrict production, or would have been forced to do so, if substitutes had not been obtained.

Q May I ask you in this connection, Mr. Joeres, about the employment of women in the Wolfen film factory?

A The character of production in the film factory brought it about that a large proportion of the work was work suitable to women, so the film factory employed a large percentage of women. This was light work and rather delicate work.

Q After the outbreak of war, was there particularly a lack of female workers, and if so, for what reason?

A Even before the outbreak of war a scarcity of female workers in the film factory was felt but the outbreak made this lack all the more evident, because there were very many war marriages; and the State and the firms helped the wives of military personnel to such an extent that there was very little inducement to work for these women. Besides, the film factory was not an armament plant, and a large proportion of the female workers was employed in the armament plants which were nearer their homes.

Q Mr. Joeres, what was the proportion of women at your time?

A I cannot tell you exactly. I estimate that it may have been as high as 90 percent.

Q You have just told the Tribunal about the difficulties in getting workers, specially after the outbreak of the war. Now, what was done to deal with this scarcity? What did you do specifically?

A There was a constant effort to get the necessary number of qualified persons from the labor office, and since the labor office could no longer supply these people, there was an effort to get them from the provincial labor office (Landesarbeitsamt); but here, in view of the fact that the film factory was not an armament plant, the film factory was discriminated against.

Q Now, how did it come about that foreigners were employed?

A The urgent need for workers which the film factory reported to the labor office could not be filled with German workers, and the labor office had to assign foreign workers to the film factory if production was to be carried out.

Q When did the first foreign workers arrive, and what were they?

A As far as I recall, the first foreign workers were Slovaks. They came in 1939.

Q Did you do anything on your own to recruit such foreign workers, or how were they hired?

A We had, of course, considerable misgivings against the employment of foreign workers.

Q Why?

A For one thing, the difficulty of language, the employment of people unaccustomed to the type of work, and also the considerable expense for housing, and care, and management of these people; and finally, it was the opinion of Dr. Grjewski that the enthusiasm of the Germans would be greater and would be better for the plant than foreigners who would have certain mental reservations and objections, perhaps.

Q Did you do anything to keep the number of foreign workers as low as possible?

A Yes, I constantly tried to urge the labor authorities to give us German workers.

Q And were these steps successful, Mr. Joeres?

A No, they had to be unsuccessful because as I have already said, the film factory had a great disadvantage in the question of priority and they said to Grjewski frankly, "Either take these people, or you won't get anybody."

Q What would have been the result, could you not have said, "All right, I won't take the foreigners, and I'll manage to get along with the Germans who are left." Was there a possibility of refusing to employ foreign workers?

A There was in practice no possibility of refusing because the scarcity of workers meant a restriction of production, or as Dr. Gajewski told me, "a failure to fill the production orders which he had been given." If he had refused those workers who were offered him, then in my opinion, Dr. Gajewski would have had considerable difficulty.

Q Very well. Now, I come back to my question which I asked a while ago, and which you have not answered yet. That was, in what way did the foreign workers come to the film factory, were they recruited, or how did they come?

A The labor committed authorities, the labor office, the provincial labor office, or the authorities responsible for supplying the foreign workers announced that the film factory was allowed a certain quota and they would be recruiting in the then occupied territories by the labor authorities.

Q If I have understood you correctly, foreign workers were at that time recruited on a voluntary basis?

A As long as I was in Berlin the workers were virtually all voluntary.

Q Did Farben assign any people for the purpose of recruiting?

A Yes, for the following reason. In the employment of foreign workers it became apparent that the selection of these people had not been made from the point of view of the work to be done, that is, in this case, work in the film factory. In order to avoid mistakes, we were asked to assign people to the recruiting offices at the labor authorities, people who would be able to help in the recruiting on the spot and prevent hiring up wrong people.

Q Thank you, that is enough, Mr. Joerres. Now, another question in this connection. You mentioned that the first foreign workers were Slovak and probably Czechs too?

A Slovaks, only Slovaks.

Q Then, please, describe briefly what nationalities of foreign workers you had at Wolfen from the outbreak of war until 1942?

A First of all, Slovaks, as I said, then Czechs, then Polish women,

French, Croatians, Bulgarians, Spaniards, Italians, Dutch, Belgians, Danes, Russians who came as emigrants from France; but that is not complete.

Q You just mentioned Russians who came from France as Emigrants, were there no so-called eastern workers at your time, that is, Russians from the Soviet territory working at Wolfen?

A No, not at my time.

Q Then I'll not ask you about that. Mr. Joeses, you have just said that as long as you worked for Farben these foreigners were employed on a voluntary basis. What about the Poles? I want to put something to you; were you not aware that there was labor conscription in the Government General which was introduced shortly after the outbreak of war?

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A No, I did not know of any official labor conscription in the Government General. I learned somewhat later, or rather I had doubts somewhat later of the absolutely voluntary character of the Polish workers.

Q Why did you have doubts?

A Because there were special regulations issued about the contracts and the employment of Polish workers.

Q Very well. Now, we come to the treatment of foreign workers. Was it part of your work, Mr. Jorasz, to take care of the housing and the treatment of the foreign workers at Wolfen?

A Yes.

Q Now, one question which still belongs to the first subject. Excuse me, I forgot this. What was the average number of foreigners employed at your time, approximately?

A Up to the time I left, I estimate 6 or 7 thousand altogether for all plants.

Q No, I mean the percentage, the percentage of the total employees?

A In the film factory I would estimate 20 percent.

Q And did this proportion increase during the war?

A After I left it increased, yes.

Q I now come to the question of treatment of foreign workers. What were the working conditions in general for the foreign workers?

A The contractual conditions were regulated by law, that is, the foreign workers were to be treated just like the Germans, that they were to be paid and housed and cared for in the same way.

Q Then they were on an equal footing with the German workers?

A Yes.

Q What about the Poles, you touched upon that question already?

A There were some restrictive regulations about wages in the case of the Poles, and as far as I know about housing too.

Q What do you mean "housing"?

A I can't tell you exactly. I believe they had certain times when they were allowed to go out and did not have as much freedom as the other

foreigners.

Q Mr. Joerss, was this special treatment given the Poles because of legal provisions, or was that up to the judgment of the individual plant leader?

A The plant leader had an influence on these directives because they were laws which had been issued and which were binding on everyone.

Q The plant leader had to keep these laws?

A Yes, he was even supervised.

Q By whom?

A By the Trustees of Labor.

Q At regular intervals?

A Generally by constant contact the Trustees of Labor had with the plant.

Q Very well, thank you. I now come to the details of the working conditions. What were the working hours at your time?

A This was by shifts. There were three shifts, eight hours.

Q Just as in the case of the Germans?

A Yes, because they took the places of the Germans who had been drafted.

Q Now, how hard was the work, what kind of work did these foreigners do?

A Here again, the same work as the Germans, since as I said before, they were put in the places of the Germans who had been drafted.

Q Then the Germans were given no advantage in this respect?

A No.

Q We have already spoken about wages. If I understood you correctly, you said the wages were the same with the exception of the Poles. How about leave?

A Plant regulations about leave were applicable to the foreigners in exactly the same way as to the Germans.

Q Mr. Joerss, did the foreign workers who went on leave have the opportunity to go to their homes?

A Certainly they did.

Q What about the Poles?

A Up to 1941, Poles also went on leave. Then, I believe, the Reich Labor Ministry, or some agency, prohibited this, but later the prohibition was lifted and conditions were changed.

Q Very well. I now come to the housing of the foreign workers. How were they accommodated?

A They were put in communal settlement, i.e. the existing camps, and also in hotels and private houses which had been rented for this very purpose.

Q Were they kept separate in these camps, or were they housed with Germans?

A At my time they were together with the Germans.

Q Can you recall that this fact was once the occasion for a violent altercation?

A Yes, I had quite a violent clash about this fact with Dr. Ley.

Q Who was Dr. Ley, tell us very briefly?

A The head of the German Labor Front and Reich Organization Leader of the Party. I had built a camp at Bitterfeld. Dr. Ley had inspected it because he had been told that it was a model camp. On this inspection he discovered that the Germans were living in the same room with foreigners, and he attacked me very violently because of this fact; but we insisted on our point of view.

Q Thank you. You just mentioned the camp at Bitterfeld. Were the foreign workers for the Wolfen film factory housed there?

A Yes, as early as 1937 I built a large camp at Bitterfeld. This was called the Camp Marie because it was built on an old coal mine which was called Marie. In this camp the foreign workers who were assigned to us were housed and this included the workers for the film factory.

Q Very well, Mr. Joeres, my colleague, Dr. Schubert, the defense counsel for the Defendant Esurgin, will ask you about the camp Marie. How was the housing of the foreign workers of the Wolfen film factory later,

from what year were they taken out of the camp Marie?

A. The more foreign workers came to Wolfen the more housing was required, and since the workers at the film factory had to be brought by special train from the Camp Marie to their places of work, it seemed more expedient to build new housing near their place of work. Because of this development, in 1940-41 and 42, large community camps were built at Wolfen exclusively for workers of the film factory.

Q. Very well. Now, what did such a community camp at Wolfen look like? Please describe it briefly to the Tribunal.

A. In building the camps at Wolfen we had the benefit of the experience which we had had since 1937 with our camp at Bitterfeld and because of this experience, this camp was built in a modern form, and with the best possible equipment. The barracks were grouped around a wide street, and these camps had all facilities for food, hygienic facilities, medical facilities, and so forth. The barracks type was new. We had developed it ourselves. Each barracks had day rooms and sleeping rooms, washing facilities with running hot and cold water, toilets, showers, and then there were barber shops, shoe makers' shops, tailor shops, laundries, sick-bays, hospitals, canteens, a post-office, and even our own economic office, and so forth.

Q. Very well. This living barracks which you have just been speaking of, was this the same as R.L.D. barracks (the Reich Labor Service) barracks?

A. No, in 1937 I had deviated from this type to develop a more comfortable and better looking type of barracks and in order to build a better camp.

Q. Mr. Joerss, I now come to the food. Were the rations of the foreign workers the same as the rations for the equivalent German employees?

A. Yes. The foreign workers received the same food cards as the German workers and the German population. They received special supplements for overtime work, for night work, and for heavy work, and extra-heavy work.

Q. What about the question of rations for Poles?

A. They had the same food, too, as far as I know; and they also got the supplements for overtime, night work, and heavy work.

Q Did the foreign workers get food cards so that they could buy their own food or was it their community kitchen?

A They were given the food cards, and then they had the choice. They could eat at the camp or they could go into the cities and towns, or buy food in the camp. Later, so-called community feeding was introduced which was on the basis of overtime and heavy work so that this food was beyond the normal rations. That was obligatory.

Q Mr. Joerse, can you compare the rations of that time with the present-day rations for the German civilian population?

A They were, of course, much higher than our present-day rations.

Q Was there any guarantee that the rations would actually be given out?

A Yes, I had to take care of that. I went to the camps almost daily myself. I instructed and supervised the kitchen personnel. Besides, we set up certain food committees from among the inmates of the camps from the various nationalities, and the camp administration, the doctor, and even the head of the State Health Office checked on the quality of the food regularly. He controlled the quality of the meat and so forth, and then there were also regular checks by the Food Office, the Economic Office, and finally Dr. Gajewski personally made surprise checks of the camps. I believe we did everything humanly possible in that direction.

Q Very well. Now, in addition to the official rations, did the plant supply further food? Can you give any examples of this?

A Yes. I employed a specialist to buy the food. This man was constantly travelling to get additional food, and the agricultural installations of Forben were always helping us out with potatoes, fresh vegetables, and through Forben's connections, which as a large consumer had certain preference, it was possible to obtain certain additional amounts of food.

Q Mr. Joeres, what about clothing? Did the foreigners receive additional clothing from the plant in any form?

A Depending on the place of work, the so-called work clothing was given out, shoes, overalls, etc. The foreigners also got ration tickets. Since they usually arrived with very inadequate clothing, we saw to it that they were issued tickets by the authorities. For that purpose, I had an agency of the Economic Office set up in the camp and urged them to give preference to such applications.

Q Were you not criticized for this reason by the German authorities, because foreigners were given preference?

A We were constantly being attacked because of the preferential treatment, once by the Party, and also by the general public. The Germans did not have the same favorable opportunities that we had in the camp.

Q Mr. Joeres, I must come back to a previous question. I have just been told that there has been a very important translation mistake. I asked you whether the rations of the foreigners at that time, in comparison to the present-day rations of the German population, were higher or lower or the same. How would you answer this question? It seems to have been mistranslated.

A I said that the present-day rations are, of course, much lower. Our present-day rations are lower.

Q Thank you. I now come to medical care for the foreign workers. Were the camp doctors available to the foreigners in the same way as to the Germans?

A Yes, they had to manage the community camps from the medical point of view and to supply the necessary medical care.

Q And what about the medical facilities at the film factory?

A The film factory, at considerable expense, had equipped the polyclinic in a very modern way, before the war. The hospital had its own dispensary with all modern facilities and then in the camps we had built dispensaries and polyclinic facilities. There was constant medical service in the camps. The doctors had a certain schedule so that the camps had constant medical supervision.

Q Could the foreigners go to other doctors outside of the plant?

A The foreigners had the German social sickness insurance just like Germans, and they had a free choice of doctors.

Q What about hygiene in the camp?

A We did everything possible, of course, to keep the camp as hygienic as possible. First of all, the fight against the unavoidable vermin in such a camp, and then during my time we never had an epidemic, thanks to the measures which we took.

Q Were there constant protective vaccinations and medical supervision?

A Some of the foreigners arrived in a not very good condition from the point of view of nutrition and health. We had a great deal to do to make them fit for work, since we expected work from them. Their teeth were in especially poor condition. We had a great deal of work to do for our dentists to get their teeth in order, and we did everything possible. We had vaccinations, too, we had weight checks to determine whether they were gaining or losing weight.

Q Can you sum up and tell the Tribunal what the state of the foreigners was from the point of view of nutrition and health at your time in comparison with the German employees?

A The state of health could be seen, first of all, from the statistics, that is, the number of people who were sick and unable to work. In camps this was always lower than the figures of independent persons, and the sickness figures of Barben were always under the Reich average, both the sickness probability and deaths. I myself was always preparing these statistics, since I had to get out an over-all report for the sickness insurance.

Q Can you give us a percentage in sickness and death?

A The sickness rate varied in the camp between 1.8 per cent and 3 to 4 per cent outside. During influenza times, it was of course higher than normally. The Reich average was 3.8 and much higher.

Q Then the sickness rate was lower?

A It was much lower. We were always proud of the fact that we had a lower sickness rate than other I.G. plants and other plants generally.

Q Were the same standards in the medical care given foreigners and Germans?

A Yes, of course. That was necessary because the certificate of inability to work was given by the doctors of the sickness insurance and these doctors were supervised by the provincial medical officer who had the final decision about inability to work.

Q Do you know of any cases where foreign workers were prematurely declared recuperated, perhaps because they were to be put back to work as soon as possible?

A No, that would have been senseless.

Q And do you know of any cases of refusal to give medical care to a foreigner?

A No.

Q I now come to the treatment of foreign workers, and specifically the question of whether foreign workers were ever mistreated, a subject which has been repeatedly brought up by the Prosecution here. Do you know of any incidents from your time when foreign workers were beaten?

A. No. We realized from the beginning that having so many people living together in camps was difficult and that it would require all possible precautions to keep camp life orderly and to preserve the enthusiasm and willingness to work. Therefore, from the beginning, I appointed confidential agents, so-called Vertrauensleute. They were elected by the various nationalities and I had very close contact with those men, and I was constantly discussing difficulties, complaints, etc., with them. Requests and complaints were always reported to me, and I discussed them with Dr. Gajewski. In most cases, we were able to consider what should be done.

Q. Did these confidential agents not, in your opinion, have certain inhibitions against presenting complaints against Germans, let's say?

A. My observation was exactly the opposite. They came to me very frankly and told me what was on their minds, and they often explained about things in the camp which they did not like. "Love goes through the stomach" and the food was usually the main topic of conversation, and we tried to improve conditions according to the peculiarities of various nationalities.

Q. Mr. Jorss, if I understood you correctly, it is your impression that these confidential agents quite frankly reported to you all cases where they believed there was reason for a complaint?

A. I had that impression. This was supported by the fact that these confidential agents later had their so-called "oblate" in the labor front, who were appointed for this very purpose, who visited the camps. If anything had happened or did happen, they came to us with these incidents. We could have learned of it in this way, too.

Q. Then I may conclude from your statements that if cases of mistreatment had occurred in your plant, you would have had to learn of them through the confidential agents, at least?

A. Yes. Besides, the camp personnel and other supervisory personnel was always constantly instructed by me and by others, and they were even threatened with immediate dismissal if any incident should occur.

Q. I have one more question, this would be suitable to end. Dr. Joeres, you just mentioned Dr. Gajowski, saying that you discussed with him cases in which you received complaints from such confidential agents. What impression did you have of Dr. Gajowski's attitude on this question?

A. From 1937 to 1942, I constantly discussed welfare social questions with Dr. Gajowski. I must say that he had a great sense of responsibility and very warm-hearted understanding for such questions and was greatly interested in them, but he always gave no instructions to do everything within Farben's power to make being easy from being easier for these foreigners, and to remove any trouble that might arise.

DR. VON WEIZLER: This is a good place for a recess. I have some more questions after the recess.

THE PRESIDENT: We will rise until 1:30.

(A recess was taken.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 5 March, 1948)

HANS JOERSS - Resumed

DIRECT EXAMINATION (Continued)

THE MARSHAL: The Tribunal is again in session.

DR. TREBENDT: Dr. Trebendt, counsel on behalf of Duerrfeld. Your Honor, before we resume the examination of the witness, I should like to ask you, Your Honor, to excuse my client Dr. Duerrfeld; from tomorrow's session.

THE PRESIDENT: Very well, the request is granted.

BY DR. VON KETTLER:

Q. Mr. Joerss, before the recess we were dealing with the question of mistreatment of foreign workers and about your conversations with the liaison men. In conclusion, one more question, were the liaison men foreigners?

A. Yes.

Q. I am now turning to the field of work discipline at Wolfen. How was it at Wolfen in that respect?

A. We had a great part of very orderly workers, willing to do their job, who were also satisfied. Of course, there were also workers whom we considered to be unwilling to work and partly even anti-social. Occasionally, there were difficulties with these in the factory as well as in the camps where they were housed.

Q. Could you give me a few examples for violation of the work order on the part of the foreign workers?

A. Yes, mostly we were concerned with the so-called loafing, failure to do the work, being absent from the job without any proper reason for it. Pretending to be sick, that means that they drew the sick benefits and insurance fees without being justified to do that. There were breaches of contracts. They sometimes committed robbery and other disturbances of the peace in the plant.

3. Very well, what did you do in such cases?

4. In case of violations against the plant regulations, these regulations, which were the highest law in the plant, provided for certain possibilities of actions. At first, they could warn, a warning which could be repeated. Then there was a reprimand, which was given in writing. There was a fine to be paid, ranging from very little amounts to one half day's wages, later this was extended up to one day's wages.

5. Were actions also taken away from workers in case they violated the work rules?

6. Those workers who absented themselves from work lost the additional rations for long-hour work, night work, heavy work or extra heavy work etc., but actual depriving of normal rations was never carried out and couldn't be carried out.

7. Dr. Jochen, upon what were these disciplinary actions based which could be executed in the factories?

8. They were based upon the legal provisions and upon the plant regulation which had to be approved by the Reich Trustee of Labor.

9. Were these disciplinary measures also imposed upon the German workers?

10. Yes, they applied to all members of the plant, workers and employees.

11. Wasn't there a possibility to just dismiss loafers?

12. Dismissal was the last way out, and it was really the most important measure because of the law limiting change of occupation and change of occupation or place. Any dismissal was purely illusory. In actual dismissal would have meant only a return of the worker to the labor office, and since the labor office could not supply a substitute, the plant would simply have lost the worker.

13. If such measures within the plant as you have described them, did not lead to any success, for instance, measures against a loafer, what happened then?

A. We had been told to exhaust all possibilities of measures inside the factory to discipline our workers and to maintain peace in the plant. If they proved not to be adequate enough, we were to do that through the mediation of the German labor front, to try to find some sort of adjustment. If this measure too, proved inadequate, the factory was obliged to report such cases to the Labor Office, which at the same time was the agency of the Reich Trustee of Labor.

Q. Such a report was also based upon some directive?

A. Yes, they were prescribed to us.

Q. And how about so-called escapees from work? Did you have to report them?

A. Yes, if there was any escape or absenteeism from work, it had to be reported to the Labor Office, because the escaped worker might turn up in another place.

Q. Did these reports also extend to German loafers or German escapees?

A. Yes.

Q. Could the plant exercise any influence on the further treatment of such cases reported to the authorities?

A. No, the factory could no longer exercise any influence then.

Q. And what mostly happened to these reported cases?

A. During my time, the Trustee, as far as I know, issued warnings imposed fines, reprimands, etc., then the cases were brought before a proper court. Fines were imposed, or sometimes even imprisonment.

Q. And how about a correction camp?

A. We didn't have that.

Q. You didn't have a correction camp at Wolfen?

A. No.

Q. Did complaints about loafers come from the ranks of the foreigners, too?

A. I already said that we had a great number of willing and decent foreign workers, who frequently, for reasons of correctness, drew our

attention to a number of notorious people who interfered with the peace in the factory, belonging to their own nation.

Q. In order to come back to the question of the labor correction camp, don't you know that loafers who were reported, were transferred to a different labor disciplinary camp outside Wolfen?

A. Yes, I know that, but that was done by the Reich trustees, by reporting such cases to the proper office.

Q. Were the foreign laborers guarded in the camp?

A. No, they did not ever have fences.

Q. And how about the Poles?

A. I only know the women's camp of the Poles. That, I remember, was an enclosed compound, but whether or not it was guarded, I don't know.

Q. And now turning to the cultural work for foreign workers, what did you do in that respect in the plant?

A. In this field, we, and particularly I, because it was my job, could do quite a lot. I constructed a number of large halls and theaters where there was a continuous program of variety concerts, operettas, concerts etc., and partly even programs which were carried out by the workers themselves in their own language, according to their own habits and customs. There were competitions, matches, there were excursions, libraries, etc.

Q. How about training courses?

A. Yes, there were training courses, language courses. We had one gentleman who was entrusted with carrying out the training and education in the camp that was literary education. There were picture shows, and there were a number of other ways and means to entertain them and to make their spare time as pleasant as possible.

Q. I should like to put a question to you in connection with prisoners of war. Were prisoners of war at Wolfen at your time?

A. I believe there were French P.W.'s who worked there at the end.

Q. Who was responsible for the care, housing and food of these prisoners of war?

A. The commitment of prisoners of war for work was exclusively arranged by the St-1-g, the office entrusted with that job by the OKW. We had to take care, from the plant, of the construction of the barracks, we had to supply the material and equipment, but we couldn't influence the forming and management of the camps from the time the P.W's moved in.

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Q I should like to ask you about the camp's expenditure for the care for for foreign workers. I should like to put to you Defense Exhibit Gajewski Number 41. This is Gajewski Document Number 23. It is an affidavit by Krut Riess. The affiant Riess says, in regard to expenses, and I quote: "The Wolfen Plant has expended for the construction of housing barracks and necessary subsidiary barracks during the time in question approximately 8.2 million Reich Marks. As far as I remember there were at the most over 5000 foreign workers employed at the film factory. That would result in an average expense of 1600 marks per workers for his housing." End of quote. What can you say about these statements? Is that true?

A Yes, that is correct. We expended 1600 Marks and sometimes even more per bed. In addition there were the current camp expenses which extended to 3 Marks, 50, to 3 Marks, 70, per day per bed; and we received 50 pfennigs back.

Q Referring to the work shirkers again, you said that they were reported to the labor offices. Is that true? In the case of the foreign workers, wasn't there another office?

A Well, perhaps it was changed later. At my time we had this famous Order 13, but at my time that is how it was handled. Later the procedure was changed.

Q In conclusion I should like to put a general question to you. How did Dr. Gajewski deal with questions of social care? What was his attitude? Did he support you in your measures? Did he himself give you suggestions? What was your general impression? Would you please describe that to the Tribunal briefly?

A This was a very serious and important social welfare task, especially the housing and management of the foreign workers camps. I therefore currently reported to Dr. Gajewski on this question. I asked for his decisions, and together with him I developed programs and plans. Dr. Gajewski had such feeling of responsibility in that respect. He promoted the work as far as he could and very often he gave us suggestions and did

things upon his own initiative. He always put one thing to me, — he said that the foreign workers, because of having been separated from their families and having to work in a foreign country, was subject to certain hardships and unpleasantnesses, and that is why we should be somewhat more lenient in dealing with him than in dealing with other workers.

Q Very well. In conclusion of my examination I should like to put just a few questions to you about Dr. Gajewski's relationship to the NSDAP, the National Socialist Party. Can you give us some statements on that?

A Yes. I was a member of the NSDAP myself and I therefore learned even at the time I was still at Leverkusen about the lack of confidence of the Party in Dr. Gajewski.

Q When was that?

A Between 1934 and '35.

Q Very well. Continue.

A Then when I came to Wolfen-Bitterfeld I was surprised how strong these trends of the Party and DAF agencies had increased even in the plant against Dr. Gajewski, and I was currently approached about that in my office. They continually threatened to take measures against Dr. Gajewski. Very often Dr. Gajewski didn't even learn of some of these threatened measures because I managed to adjust everything. He was continually being spied upon because of certain utterances which he made; and because of his independent actions. Even in social, political questions he did certain things which were very embarrassing to the DAF and there was quite a lot of intrigue against him.

Q What was his attitude towards the Jewish employees?

A That was the very reason for the attacks against Mr. Gajewski. At one time Mr. Gajewski, in his capacity as Plant Leader of Farben, which made him *persona in grata*, was attacked because of his support of the Jews still working at Wolfen. I was told — by the German Labor Front and even by the Kreisliedter that Dr. Gajewski would have to be dismissed from his office because he was no longer acting in accordance with the

sims of the NSDAP and because he altogether didn't fit into the picture which the Party expected from a Plant Leader at Wolfen.

Q. Mr. Joeres, I should like to put something to you. I should like to put to you Gajowski Document Number 1, Gajowski Exhibit Number 1. That is in Document Book I, page 1. This is a notice of a Dr. Gingst, of the 26th of Sept. '39 — a report to the Gestapo at Halle. In this report it says on page 1, and I quote: "As I know through a visit with the Kreisleiter, Kreis Bitterfeld, Zarskock during a conversation with the Kreisleiter, Dr. Gajowski, has permitted himself to make utterances which justify and examination as to whether their character, might be harmful to the State interests." Do you know anything about the background of this report, Mr. Joeres?

A. I have learned that Dr. Lantz, an Ortsgruppenleiter, and a member of the Film-Fabrik, and through Dr. Jaenger, attempts were made to create difficulties for Dr. Gajowski through Mr. Hinrich. In particular they referred to temperamental utterances of Dr. Gajowski with respect to Party institutions and Party symbols. Furthermore, Dr. Gajowski very energetically opposed the continuous supervision of the factories by the German Labor Front. Dr. Gajowski expressed that he was of a totally different opinion.

Q. In connection with this report, were charges made against him because of the treatment of Jews which were not in accordance with Nazi methods?

A. Yes, all the time.

Q. In this report Dr. Gajowski is furthermore being charged with having conducted himself in an anti-social manner. In this connection a number of examples are being mentioned — inadequate assistance for families with many children, assisting in concluding marriages, at others. What can you say about that?

A. Whoever has been in a responsible position in any big plant knows that a social attitude often is not recognized as such from a lower level. Dr. Gajowski rejected to officially proclaim certain social measures on behalf of the German Labor Front which were taken by Ferton throughout

they are as a matter of course, anyway. Furthermore, Dr. Gajowski could not act freely with respect to those social measures mentioned just now; he had to abide by the central directives with respect to such measures, which applied equally to all the plants.

Q Mr. Jones, during the cross examination the Prosecution has got to Dr. Gajowski, with respect to this notice, that this report was not because of his personal controversies with Mr. Schlober. What can you say about that?

A During the conferences which took place in my presence as a social worker, Dr. Schlober's interference was not mentioned, but Dr. Leitz' and Dr. Saenger's constant reproaches were always mentioned because of the continued presence of non-Aryans and Jews, and the support given them in the film plant.

Q I should like to quote to you from the record, page 5398, with respect to the prosecution witness Schlober. That is my cross examination question— but I have the German page number. I am afraid I can't find the English page. I quote: "Question: 'Did you hear anything about complaints by the Gauleiter about the attitude of Ferben whilst you were in your official position?' Answer: 'I have already answered that question. I have already said that Dr. Todt has entrusted me with discussing a number of such complaints with Mr. Krauch.' Question: 'You couldn't give us any more details from your memory, could you?' Answer: 'I know that the Gauleiter of Bitterfeld bitterly complained about my being chief.' Who was that?' Answer: 'Dr. Gajowski.'" End of quote. What can you say about that?

MR. SPENCER: We will object to that as being an improper form of question. There is no foundation laid that this witness knew anything about this conversation, that he was present. It is an attempt to quote a piece of evidence which, apparently, the defense feels is favorable to it, and then says: "Regardless of what relation you may have had to Schlober on this piece of evidence, do you underline this?" I think that is brief material and not proper examination.

THE PRESIDENT: The witness, of course, should only testify as to things of which he has personal knowledge. If he knows anything of his own knowledge about the subject suggested by the question propounded by counsel, he may answer.

DR. VON MEGELME: One final question that will bring me to the end of my examination.

Q Go ahead. Do you know about this matter which I just put to you from this examination?

A No.

Q You don't?

A I only know that Kreisleiter Karasch was very actively engaged against Dr. Gajowski.

Q The Prosecution, in exhibit 1951 which they submitted to Dr. Gajewski during cross examination — This was his letter to Professor Selck, Frankfurt, of 1934, and in this letter Dr. Gajewski says that Dr. Herbeck, who was assigned to the position of Abwehrbeauftragter, was a member of the Gestapo. Do you know Mr. Herbeck? Do you know something about that?

A I knew Mr. Herbeck very well during my activity at Leverkusen.

Q When was that?

A At the end of 1933 up to the beginning of '37.

Q Very well. That was during the time this letter was written by Dr. Gajewski. Is it true that Dr. Herbeck was a member of the Gestapo?

A Herbeck was the head of the Plant Security Service at Leverkusen and the counter espionage of Farben. In this position he had a double function. On the one hand he had to work for Leverkusen only, and on the other hand he had to represent all of Farben, and that Mr. Herbeck was a member of the Gestapo, I don't know, and I don't really believe it.

Q Would you have learned of it had he been a member of the Gestapo because of your relation to him?

MR. SPEECHER: Objection.

THE PRESIDENT: That would only call for a surmise. He can tell what his relationship was. Of course, it would be for the Tribunal to draw the inference and not for the witness.

DR. VON METZLER: That, Mr. President, concludes my examination in chief.

Q What was your relationship to Mr. Herbeck? Did he tell you things of his private life? Were you a close friend of his?

A No. I just knew him quite well. I don't know anything of any participation in Gestapo matters. I am hearing that for the first time.

DR. LUMBERT: Dr. Lumbert, Counsel for the defendant Kuehne.

DIRECT EXAMINATION

HANS JOHNS

BY MR. ARMENT:

Q Witness, I should like to put two or three brief questions to you with reference to your last answers concerning Mr. Herbeck. At the beginning of your examination this morning you said that in 1937 you were transferred to Wolfen-Bitterfeld, you were transferred there from Leverkusen?

A Yes.

Q When were you employed by Farben in Leverkusen?

A September 1933.

Q In what position were you in Leverkusen since 1933 up to the time you were transferred to Bitterfeld?

A I was the social secretary of Farben in Leverkusen and Deputy Chief of the Social Welfare Department.

Q With respect to Mr. Herbeck, may I ask you whether you know approximately since when Mr. Herbeck was employed by Farben?

A No.

Q Do you know what his position was before he joined Farben?

A That, of course, is a long time ago, but I heard that he was a criminal commissar, police commissioner of police.

Q That is true. Can you confirm that Herbeck was employed by Farben in a purely private capacity?

A I know that Herbeck was a member of Farben-Leverkusen.

Q And you don't know that perhaps he simultaneously was in some public employment of the Gestapo or police?

A No.

Q Do you think that is quite out of the question?

A I didn't know anything of it and I don't believe so.

MR. SPEECHER: Objection.

THE PRESIDENT: Objection sustained.

Q With whom did Mr. Marbeck deal at Leverkusen in his double position? On the one hand in his capacity representing all of Farben and then representing only Leverkusen in his counter intelligence activity? With who did he deal officially?

A As far as I know he dealt with Dr. Brueggemann, the legal expert of Leverkusen.

Q In conclusion, let me ask you, what was his relationship to Dr. Kuehne as the Plant Leader of Leverkusen?

A Kuehne was chief at Leverkusen.

Q In other words, he was his supreme local superior? But his counter intelligence matters were discussed with Dr. Brueggemann?

A Yes.

DR. LUBERT: Thank you very much. No further questions.

DR. SCHUBERT: Dr. Schubert, Counsel for Buerger.

DIRECT EXAMINATION

HANS JOERES

BY DR. SCHUBERT:

Q Mr. Joeres, you have already described to Mr. von Meteler your position at Bitterfeld and you also referred to the social welfare situation at Wolfen-Bitterfeld and Wolfen Dyestuffs?

A Yes.

Q When was the labor camp constructed at Bitterfeld?

A Shortly after my arrival at Wolfen Bitterfeld I was confronted with the task of finding housing facilities for the many workers active in the construction work.

Q When was that?

A That was in the middle of 1937.

Q Who founded the camp at the time?

A Since these housing facilities were not meant for workers working directly for Farben, an association was founded, consisting of Farben. The Aluminum Plant of the city of Bitterfeld, the building firms, the Reichsbahn, and various other agencies which had to house workers. All

together undertook the job of constructing that camp. At the same time the German Labor Front was also part of that association.

Q Let's identify it once more. What was the name of this association?

A It was called Association Camp Marie, E.V., (registered association.) I said before that it was called Marie because it was built up on the terrain of an abandoned coal mine "Marie".

Q Did you have anything to do with the construction of this camp?

A Yes, I myself constructed it i.e. it was built under my charge.

Q Dr. Joeres, would you be good enough to make a pause after my question so that the interpreter can catch up?

How did you influence the building of that camp?

A We really disliked the idea of building the camp in 1937, but considering the difficult housing situation in this locality, we had to do that, but from the experiences we made during the first World War, we knew that we had to avoid everything which would bring about socially inferior housing facilities.

Q Mr. Joeres, I don't want to go into details of the camp. I am sure it would be similar to the Wolfen camp which you discussed before. Could you tell me something about some peculiarities existing at the camp Marie in which distinguished this camp from others?

A We constructed this camp Marie as a model camp and from the very beginning we tried not to develop the ordinary barracks type; we tried to choose the most habitable, the most pleasant types of barracks and we even changed our supply firms because they would not quite comply with our tastes. We equipped the camp like a little city; we constructed broad roads, and well built. We supplied all the additional institutions like post offices, workshops, public baths, kitchens, canteens, washrooms, barbershops, washing institutions, play grounds; we even had a little swimming pool, a small lake for boating. There was a large theater hall which we constructed and which was the most beautiful and best throughout the entire locality. It had a large stage. We had a hospital there. We had medical stations.

Briefly, we endeavored to do everything to building a model camp and we were successful because it was generally recognized as such throughout the Reich.

Q Mr. Joerss, I may well assume that the expenses for the equipment and the institution of this camp for the Wolfen Film Plant applied similarly to the camps of the Bitterfeld and Wolfen dyestuffs plants?

A Approximately, yes.

Q From my document book V, I should like to submit to you my document 68 on page 52.

DR. SCHUBERT: I would be grateful to the Tribunal if they would turn to the document. These are a number of photostatic copies which I submitted. Unfortunately I can't submit the original photograph themselves.

Q Witness, would you be good enough to identify the photos to the Tribunal quite briefly?

A. Before me I have these four photographs; No. 1, we have a washroom in a barracks of the Camp Antonio which is a sister camp of Camp Marie in the immediate vicinity. The second photograph shows us the day room in the same camp Antonio. Photograph 3 shows the dispensary of that camp. Photograph, another, four shows us one of the hospital wards in the camp. Again I see before me another four photographs; the first one bears the number five. The canteen is shown in that photograph in that camp. Photograph 6 shows us the canteen from the inside and food being handed out. Photograph 8 shows us food being distributed in the large dining room and Photograph 7 is one of the barber shops in the Camp Antonio.

Q. And when there are another four photographs, aren't there?

A. Yes, there are four more photographs, # 9 gives us glimpses into the large theater and community room where daily meals were consumed, too. Number 10 is the kitchen of the Camp Marie and 11 is a survey of the first part of the Camp Marie and 12 is another glimpse into the theater hall, looking towards the stage.

Q. Thank you very much. Your Honor, I shall submit this document tomorrow together with all other documents not yet submitted. Dr. Goeras, these buildings which you just showed us, do they originate from the time before the war or during the war?

A. The theater was built during the war.

Q. And next about the kitchen extension? and camp Antonio?

A. That was also constructed during the war.

Q. Witness, am I correct in assuming that all the statements which you made to us about Wolfen-Flitz also apply to Bitterfeld-Wolfen Dyestuffs plants with respect to these points; arrival of foreign workers, selection of Farben for German workers, recruitment abroad, the voluntary nature, working conditions, housing of foreigners together with Germans, housing of prisoners of war, Were these matters handled in the same way as was in the Dyestuffs plant Wolfen - Bitterfeld as in Wolfen-Flitz?

A. Yes, everything was handled in one territory and it was done equally for both.

Q. Did Dr. Buerger request foreign workers?

A. When the Labor Office could no longer supply German workers Dr. Buerger naturally had to use such workers which were recruited by the Labor Administration and which were assigned by them. In this case it is also true that Dr. Buerger and I always endeavored to get German workers for the reasons already mentioned.

Q. Dr. Joerse, during the war did you ever go to Paris with regard to labor matters?

A. Yes, I went there on various occasions because of questions of doubt arising from the commitment of French workers, questions concerning the transfer of salary, etc.

Q. I just had Prosecution Exhibit 1907 put to you. It's an exhibit which, so far, has been only offered for identification during the cross examination of the witness Balandier which took place a few days ago before the Commissioner. This is a contract of Rene Balandier typewritten on a form. Did you become acquainted with these forms in your experience?

A. Yes, such and similar forms for contracts had to be filled out by every worker.

Q. What is this photostatic copy which is before you?

A. I think that's the contract which Dr. Balandier received when he was recruited in Paris or anywhere else.

Q. Well, if I understand you correctly, at the recruiting office in Paris the French workers were given a contract form?

A. As far as I know that was the rule.

Q. Now, Dr. Joerse, as far as you know the situation, was it necessary for the French workers to sign the copy which they were handed?

A. I was never present. No doubt he had to sign the original. Whether he signed the copy which he kept for himself or not, I don't know.

Q. St. Jacques, when you left Paris did you have an experience which showed the interest of French workers in the work at Bitterfeld in particular?

A. Yes, that was one time in 1941. Other firms who were also to receive workers from Paris had attacked us in a friendly way because of the very pleasant way of housing and working conditions which we had organized for the workers and that's why at the recruiting place the desire was express to go to Bitterfeld. In the Paul D'Orsay recruiting office of the Ministry of Labor I was told that a number of Frenchmen had the wish to go to Bitterfeld together with their wives and at the departure from the Gare du Nord a number of persons actually turned up who wanted to be taken along immediately. I had to point out to them that that was impossible and that they would have to go through channels, through the proper recruiting offices.

Q. If I understand you correctly it was well-known in Paris that the conditions at Bitterfeld were particularly advantageous?

A. The wage transfer was handled very well and they received their wages very quickly and on the other hand the camp must have had a very pleasant effect on many workers.

Q. You were speaking of the Camp Association (Ario) before. Was this Association dissolved during the war?

A. The dissolution of that Association was often discussed and, as far as I know, when I departed from Farchon in 1942 it was actually put into effect. The collaboration with the Agencies of the DAF had brought about some difficulties. The DAF wanted Farchon to pay for everything but they themselves wanted to take over the management of the camp. Since the German Labor Front was represented in the Camp Association (Ario) I was often asked to dissolve that Association. If I remember correctly, that actually happened when I left in 1942. The plants then became independent with respect to their camp.

Q. If I understand you correctly, one of the reasons for the dissolution was to get the Labor Front out of the Camp Association?

A. Yes, we wanted to do away with their strong influence on the personnel and material management of the camp.

Q. Did the German Labor Front exercise a considerable influence on the selection and training of the camp personnel, the camp leader?

A. Yes, the German Labor Front had created special facilities for the training of camp personnel and asked us, Farben, that we should only appoint those camp leaders selected by them. We, on the other hand, wanted to use personnel well-known to us and well-versed in the work of the plant.

Q. Was there friction with the Labor Front?

A. Yes, to a considerable degree.

Q. Mr. Jooris, who was the head of the Camp Association?

A. I was.

Q. Is it true, Mr. Jooris, that after you left Farben you continually dealt with labor questions in your new position?

A. Yes, I had the same job as with Farben but only to a larger extent.

Q. Could you perhaps by chance reply to the following question: the witness Bruno Glandner, whose name I already mentioned, has testified here that after 1943 or 1944, in addition to his normal ration he received so-called, "heavy worker rations"? He said that he could use these rations at his discretion. Do you perhaps still know what additional rations were issued at the time on a heavy workers ration card, that is, for four weeks?

A. Well, I don't know exactly.

Q. Well, tell me approximately.

A. Approximately seven to eight hundred grams of meat, 250 grams of fat, four thousand grams of bread, but that's merely an estimate.

Q. Well, that will suffice. You have already told us about the medical care and I may assume that the same applies to the Camp Hittorf and Wolfen-Dyestuffs.

A. Yes, at the time I was there these two camps were handled uniformly.

Q. The witness Balandier also testified particularly with respect to the Camp Mario, that the medical facilities were quite inadequate and that in the Camp Mario there were only 24 hospital beds for 7,000 camp inmates; is that true?

A. The Camp Mario never had 7,000 inmates. When the camp became larger, we had hospital wards in every camp block which, however, were not always being used. We attached value to see that the workers unfit for labor went into these hospital wards because there they were cared for much better but they didn't want to leave their own community rooms and it was often difficult to convince them to go into the wards in their own interest.

Q. How many camp inmates were at Hariel?

A. At the time I left in 1942 I estimate that there were 3,000 to 3,500 inmates.

Q. According to your best recollection, how many hospital beds were there at the time in the hospitals of the Harle Camp?

A. When the camp had 2,000 inmates we had two sections, one for the Germans and foreigners and one for the Italians. In the section for the Germans and foreigners we had 60 to 80 beds and in the Italian section we had 20 beds. I can't give you the exact figure.

Q. Well, that would mean that there were 60 to 70 beds for altogether 3,000 camp inmates?

A. Yes, but they were never completely occupied.

Q. Well, you told us that. Now, Delandier continues that a worker had to reach the limit of his capabilities before he was registered as sick; is that true?

A. No, the registration of an ill person was done through the doctor of the Health Insurance Company, either the Plant Insurance Company or the Local Insurance Agency. From the point of view of the factory we, of course, had every interest to have healthy workers fit to do a good job. That's why it would have been senseless not to treat any illness in time because we would have only hurt ourselves. On the other hand, the District Physician was the one who made the final decision about the fitness for work and I really don't know of any cases where there wasn't sufficient medical care given in time.

Q. Mr. Joersa, let me interrupt you. You have just been speaking about physicians. That is the physician of the insurance agency?

A. Yes, the County Insurance Agency.

Q. And all the foreign workers were also insured? They all had medical insurance?

A. Yes, the Medical Insurance Agency paid for all medicines.

Q. Well, that insurance physician wasn't a Farben physician?

A. No, the insurance physician was an employee of the Medical Insurance Agency and had nothing to do with Farben.

Q. The statements that you made about furloughs, disciplinary measures and mistreatment also apply to Bitterfeld and Wolfen-Dyestuffs, don't they?

A. Yes.

Q. Very well. Now, a number of specific questions; Belandier has testified that foreign workers were not allowed to ride on German trains. Is that true?

A. At the time I was there they were allowed to use the trains and they actually did. We were even repeatedly told to restrict somewhat the excessive amount of trips to Leipzig and Halle by the workers but we had no possibility to restrict that and we didn't want to. Afterwards, however, restrictive directives were issued.

Q. Mr. Jaeger, were such restrictions for the use of railroads issued generally, applicable to all persons, even Germans?

A. Yes, but there were particular rules with respect to foreigners.

Q. According to your knowledge, did these special regulations practically prevent the workers from using the train?

A. Well, practically not, because it was impossible to exercise a very stringent control. They could easily get a train ticket through a third party and then they just used the train.

Q. Witness, we are talking about railways. You mentioned a railroad running from the Camp Marie to the factory at Wolfen.

A. Yes, we had our own track which we extended and which led to the Dyestuff and the Film Factory.

Q. Belandier has testified that this railway could only be used by German workers; is that true?

A. No, it isn't. The entire shift transport to the various factories went along that track from Camp Marie and Camp Antonio.

Q. Was there such a connection between the Camp Marie and Camp Bitterfeld South or wasn't that necessary?

A. Well, that wasn't really necessary, because the distance was very short.

Q. Mr. Jaeger, in order to enable the foreigners to understand the German officials did you have interpreters at your disposal?

A. Yes, we had interpreters for every nation who received a full-time job.

Q. Just let us assume the case that a foreign worker went to the wage-office and had to sign a receipt there in order to get his pay. Now, when that worker doesn't know what that German text on that receipt means, did he have the possibility of getting somebody to translate that text for him?

A. You mean in the wage-office?

Q. Yes.

A. I really couldn't say because I didn't have anything to do with wage-office. In the camp, yes.

Q Didn't you have the interpreters generally at your disposal?

A Yes, we did.

Q Didn't you have interpreters at the plant too?

A Yes.

Q Then the possibility exists that there were such interpreters at the wage office too?

A There was a possibility.--

THE PRESIDENT: The matter of the interpreters and all of their duties and activities are pretty small circumstances. I don't believe that it's worthwhile to emphasize those things too much.

DR. SCHUBERT: Your Honor, it is only in reference to testimony which Balandier has made. I didn't want to requote the entire record on that.

BY DR. SCHUBERT:

Q Well, one supplementary question with respect to the heavy workers' rations which you mentioned before. Were the rations which you mentioned intended for one week or four weeks?

A Four weeks.

Q Would you tell me briefly what Dr. Buerger's attitude was towards the question of foreign workers and to their treatment?

A The same applies here as what I said in respect to the film factory. Both plant leaders endeavored at all times to do everything in order to house the foreign workers properly and adequately, and I constantly received directives from both of them, also from Dr. Buerger, to do everything in my power. Dr. Buerger, in particular, was interested in how they used their spare time in the camp and he made a number of suggestions which were actually carried through.

Q One last question. What was Dr. Buerger's relationship

to the agencies of the NSDAP there?

A. When Dr. Buergin replaced the retired Dr. Fister and became the plant leader of the Works-Combine Central Germany, the Party agencies were very disappointed about this appointment. The Ortsgruppenleiter, who was partly active in the plant, the Kreisleiter, and the SA officials didn't have the same confidence in Dr. Buergin. On various occasions, they endeavored to smear Dr. Buergin's name politically at the Gau-leiter's office.

Q. Well, in other words it wasn't a very friendly relationship?

A. Not at all. I was always the scapegoat who had to take all these difficulties, and I was always the one who had to make adjustments.

Q. Thank you very much. No further questions.

THE PRESIDENT: Anything further from defense counsel? Then the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. JACHEN:

Q. Mr. Witness, you left Farben in March of 1942, is that right?

A. Yes.

Q. And thereafter you went to the Hermann Goering Works where you became their expert on labor and social welfare questions, is that right?

A. Yes.

Q. Now, you were an old Party member of the Nazi Party from 1931, isn't that so?

A. '31? Yes.

Q. And you were also a member of the Storm Troopers, the SA, is that right?

A. I was a Truppfuehrer.

Q Now when you were at Farben, did you not follow a policy of reporting delinquent workers to the Gestapo for disciplinary measures?

A No, never.

Q Did you know that Farben had such a policy?

A Do you mean to report workers to the Gestapo? I didn't quite get the full import of your question.

Q Do you know that Farben, in the plants which you knew about and with which you dealt, followed a policy of reporting delinquent workers to the Gestapo for disciplinary measures? Do you know that?

A No.

Q I show you NI-13548, which we offer as Prosecution Exhibit 1968 for identification. We are not ready with the processing, Your Honors. That is the minutes of the Management Conference where you are present. The first page is 27 June 1938. I direct your attention to item 7 on Page 2 where it says that "Klein pointed out" --

A It's 17, isn't it?

Q Item 7, Page 2.

A I see.

Q "Klein pointed out cases of serious offenses where they reported employees concerned to the State Police." And then the last sentence, "This procedure has been far more successful than dismissal." Does that document refresh your recollection of a policy pursued in Farben of reporting delinquent workers to the Gestapo, and that you found that policy more successful than dismissal? Is your recollection refreshed?

A I know this document because I attended this meeting of the management. Naturally, I don't recall this specific case. A report to the Gestapo immediately is not known to me,

not even through Mr. Klein. The channel, as I have already stated, normally went through the labor office and the trustees for labor.

Q Now when you were at Farben, did you not advise that delinquent and shirking workers be transferred to concentration camps or Schulungslager? Did you so advise when you were at Farben?

A Schulungslager?

Q That is correct.

A Disciplinary camp?

Q Did you so advise? Will you please answer it with "yes" or "no", and then make any explanation necessary.

A Well, I don't know anything about disciplinary camps, Schulungslager.

Q Will you look at the same document on Page 10 of the German under Item 9, the minutes of a meeting of 18 November 1940 where you are present.

A Ten?

Q Page 10, Item 9. Do you see "Joerse pointed out that there is a possibility of sending certain elements who are unwilling to work to Schulungslager, concentration camps, and the department chief may make suggestions."? Do you see that item at 9? Does that refresh your recollection?

DR. VON METZLER: One moment please, I object. There is nothing said about concentration camps in this document. Schulungslager is not a concentration camp.

MR. AMCHAN: I am quoting the German. My information is that it means concentration camp. He can explain it.

THE PRESIDENT: Gentlemen, we are under a double handicap. The Tribunal hasn't the document. I can depend upon you gentlemen to tell us what it is. Ask the question in a way that leaves the witness free to answer whatever he has to say

without assuming that this is a concentration camp, and the question will be proper.

BY MR. AMCHAN:

Q First, does that document refresh your recollection?

THE PRESIDENT: As to what, Mr. Prosecutor?

BY MR. AMCHAN:

Q As to you, Mr. Witness, suggesting sending delinquent elements or workers to Schulungslager? Does that refresh your recollection?

A Yes, no. I can't remember the matter exactly. I suspect that these Schulungslager were provided for by the labor front, but they have nothing to do with the word "concentration camp". As far as these matters were assigned to me by the labor front, I reported them and I told them what the possibilities were.

Q Were the SS guards at the Schulungslager? Do you know?

A I don't know of any Schulungslager, disciplinary camps.

Q Now you say workers came voluntarily to Farben. Was it customary to send voluntary workers to Germany in transports?

A Yes, closed transports were sent from Czechoslovakia, France, and other areas to a distribution camp of the district labor allocation office from where the workers were allocated to the individual plants. The people going on leave also went in closed transports to their home country.

Q Now, when you were with the Hermann Goering Works, did you force one thousand Dutch workers, who belonged to the resistance movement, to be sent to Germany from Holland to work in the Hermann Goering Works? Do you recall that?

DR. VON METZLER: Objection. It is not relevant.

MR. AMCHAN: It's on the point of credibility, Your Honor.

THE PRESIDENT: I am sorry, I didn't hear what the

prosecutor said.

MR. AMCHAN: I said we direct that question to the credibility of the witness.

DR. VON METZLER: I can't see what this question has to do with the credibility of the witness.

THE PRESIDENT: On questions of this character that are asked for the purpose of affecting the credibility of the witness, as we understand, the rule is that you are entitled to an answer; that you are bound by the answer; and you are not entitled to pursue it further; that is, to avoid the trying of a collateral issue. Under those limitations, the witness may answer the question, but whatever his answer is, you are bound by it.

MR. SPRECHER: Mr. President, I don't understand what is meant by our being bound by it.

THE PRESIDENT: I mean by that that you cannot pursue it further.

MR. SPRECHER: That we are limited beyond that point?

THE PRESIDENT: Just what I say, that you cannot pursue that inquiry any further. You are bound by his answer. The issue is closed when he answers it.

MR. SPRECHER: Assuming that we show him a document that shows that he had been connected --

THE PRESIDENT: You cannot do that. That is the fundamental rule of interrogations of this character, and we feel that it is only fair on questions of this character to point out to counsel the limitations of this very narrow rule so that you know the rules of the Tribunal before you propound the question. It's just been observed to me that it's so fundamentally sound that any departure from that rule would have us in a few minutes trying the Hermann Goering Works, which cannot be an issue in this case. Now the question is

proper as affecting his credibility; except when the answer comes, that is the end of the answer, and that is the end of the inquiry, whatever the answer may be.

MR. AITCHAN: May I withdraw that?

THE PRESIDENT: We will be without any sound track in a few seconds. We will rise for recess.

(A recess was taken.)

THE MARSHAL: Persons in the Courtroom please find their seats.

The Tribunal is again in session.

MR. AMCHAN: If your Honors please, I would like to withdraw and reframe the question.

CROSS EXAMINATION (Continued)

BY MR. AMCHAN:

Q. Mr. Witness, I show you NI-4959 which we mark as prosecution Exhibit 1969 for identification. It is a telegram from you November 1942 referring to the conscription of a thousand Dutch workers. Now I ask you, did you select Dr. Krueger, the addressee of that telegram, to go to Holland on that mission?

DR. VON METZLER: Objection.

THE PRESIDENT: State your objection.

DR. VON METZLER: I object against this because again a topic is touched which has nothing to do with my examination in chief. The activities of the witness in the Reichswerke Hermann Goering. The question is irrelevant.

MR. SPEAKER: Mr. President, the lives of 1,000 people are not lightly handled by any person, I am sure, and when your Honors have to weigh the testimony of a person who did deal with a thousand lives for some reason, it seems to me it is important to know how he will answer such a question as this.

THE PRESIDENT: Well, the gravity of the matter involved in a collateral issue might impress the layman but it cannot change the fundamental rules as they have been developed with respect to the admissibility of evidence. The Tribunal stands upon the proposition that when the prosecution under the present circumstances inquires into a collateral issue, it is bound by the answer and that rule cannot be evaded by indirection.

This is collateral, under the apparent facts as stated by counsel

for the prosecution. The objection is sustained.

BY MR. ANCHAM:

Q. Did you know, Mr. Witness, that in the Farben Wolfen Plant, children eleven and twelve years of age who were conscripted from Russia were employed? Did you know that?

A. No. At my time, no Russians were there.

DR. VON METZLER: Your Honor!

THE PRESIDENT: Do you wish to make an objection?

DR. VON METZLER: Yes, objection.

THE PRESIDENT: The answer will be considered out for the purpose of permitting counsel for the defendant to make an objection.

DR. VON METZLER: During my examination in chief, it has been stated by the witness that during his presence, his activities at Wolfen film plant, no Russians from Soviet Russia were employed, and I specifically emphasized that I was putting no questions as to Russians. Therefore, I think this question of the prosecutor is beyond the scope of my examination in chief.

THE PRESIDENT: What do you say as to that, Mr. Prosecutor?

MR. ANCHAM: In our view, the witness testified as to the general nature of his position and the subject of his testimony of general conditions in the plants, which were under the jurisdiction and management of the defendant Gajewski. Now when he undertakes to give a certain picture of conditions there, going to the entire situation in those plants, I think he has opened the field for us to cover a particular part in that plant.

THE PRESIDENT: This is not, of course, the cross-examination or the examination of a defendant. What do you say as to the proposition that counsel for the defense specifically limited the scope of his inquiries so as to not go into this field?

MR. ANCHAM: I have a contrary recollection of the testimony of the witness, and my recollection is that he did refer to Polish and Russian workers.

DR. VON METZLER: No, that recollection is wrong, Mr. President. The witness talked only about Russian emigrants who came over from France. I specifically questioned him about Russians coming from Soviet Russia and he said that during his stay at Wolfen no such Russians were employed.

THE PRESIDENT: Well, that is rather a different situation than as I understood counsel for the defendant at first, that he had specifically excluded all inquiries with reference to Russians from his examination in chief.

Now regardless of whether they came from Russia or France, if you went into that subject, then the prosecution is entitled within reasonable limitations cross-examine to concerning that matter. The objection is over-ruled. The witness may answer. I think he has answered and the answer being in the record we will treat it as having been answered. He said no.

MR. SCHUBERT: Your Honor, up to this time I didn't interfere in order not to confuse matters, but Mr. Anchen merely asked for Wolfen Furben. If that is correct, and that is the way I understood it, then on my part I would have to also raise an objection because I certainly didn't say anything about Russians and I think that then this question is inadmissible in cross-examination.

THE PRESIDENT: Always, where there has been examination on behalf of different defendants, we cannot take the time in the trial to allocate a part of the cross-examination to this defendant and that. If it is acceptable and admissible under any theory, it is in the record and then we will apply it to where it fits.

You may ask your next question.

MR. ANCHEN: I understand your Honor's ruling that the answer stands in the record?

THE PRESIDENT: That is the ruling.

MR. ANCHEN: We have no further questions.

THE PRESIDENT: Any further re-direct examination of this witness on behalf of defendants?

DR. VON METZLER: A few questions, Mr. President.

THE PRESIDENT: Now you are in quite a narrow road now and a comparatively short one.

DR. VON METZLER: Yes, Mr. President.

RE-DIRECT EXAMINATION

BY DR. VON METZLER:

Q. Mr. Joaze, is it correct that in the Ministries Case you are a prosecution witness against the former director of the Hermann Goering Works Flaiger?

A. Yes.

Q. Second question.

MR. SPEECHER: I hadn't heard the first answer, but whether I have or not, we don't think this is too relevant, particularly in view of your Honor's treatment of our questioning of this witness about the Hermann Goering Works.

DR. VON METZLER: Well, it is a question concerning the credibility. (Laughter)

THE PRESIDENT: The objection is sustained, and the answer is considered stricken.

BY DR. VON METZLER:

Q. Another question, Mr. Joaze. You were shown the Exhibit 1968 by the prosecution. In this exhibit, there is a transcript of the conference of the 27th of June 1936. I would like to show you this exhibit once more and I quote:

"Number 7. Flaiger points out that in two cases because of severe violations of plant regulations, we reported plant workers to the Gestapo, which reprimanded them severely and threatened further measures in case of a repetition."

I ask you now, Mr. Joerss, could this concern foreign workers?

A. As far as these plant workers are concerned, these are Germans. In case of foreigners, the transcript always said "foreigners".

Q. Thus, if I understand you correctly, you say that the expression "plant worker" (Gefolgschaftsmitglied) is only used for German members?

A. When we said "Gefolgschaftsmitglied" we meant Germans. Otherwise, we meant foreign workers or foreign laborers or other foreigners.

Q. Would you say very briefly during what period of time this expression "Gefolgschaftsmitglied" was coined?

A. By this expression, we mean a person bound by a certain loyalty to the plant who has earned certain additional privileges.

Q. Was this a Nazi expression?

A. Yes.

Q. Did this go back to a Nazi law?

A. To the regulation of national labor.

Q. At this time in June 1938 were there any foreign workers in Wolfen at all?

A. No.

Q. I further show you from the transcript of 28th of October 1940 the same exhibit number, paragraph 10, and I quote:

"The District Chairman upon our report has threatened a shirker with assignment to a concentration camp."

Can you gather from this formulation whether this is a German or foreigner?

A. I gather from it that this is not a foreigner.

Q. Why?

A. Otherwise, it would have said a foreign member of the staff.

Q. No. We are speaking of a shirker, a notorious shirker.

Q. Can you gather from this formulation, from this phraseology, "notorious shirker," whether it was a German or foreigner?

A. No.

Q. I further show you from the transcript of 18 October 1940, paragraph 9, and I quote:

"Joeres points out that the possibility exists to take certain shirkers or elements unwilling to work to a correction camp temporarily. The department chiefs can make suggestions to this effect."

Can you gather from this formulation of the transcript whether these are Germans or foreigners?

A. Can I hear this once more?

Q. "Joeres points out that the possibility exists to consign certain elements unwilling to work to a correction camp temporarily."

Can you gather from this formulation whether these are Germans or foreigners?

A. Not with certainty.

Q. I further show you from the transcript of the 23rd of December 1940, under Paragraph 8:

"A member of the staff who has been arrested because of violations of the regulations has been kept in a so-called correction camp for a long time and is again being employed by us now."

Is a German concerned here or a foreigner?

A. I assume that this is a German.

Q. No.

A. Because it says "plant worker" "Gefolgschaftsmitglied."

Q. And the last reference is from the 10th of February 1941 under No. 6:

"A man from the artificial silk factory was taken into protective custody because of refusal to work."

Can you tell from this whether it is a German or a foreigner?

A. No.

BY DR. SCHUBERT (Counsel for defendant Margia):

Q. Only one question, Mr. Josess: in this Prosecution Exhibit 1968 there is the heading "Management Conference" and the place listed as Wolfen. In this management conference were matters discussed about Wolfen for Farben or Bitterfeld?

A. If the conference took place in the Farben factory in Wolfen as management conferences, there were discussed matters of the Farben factory.

Q. Well, in this -- will you please look at this transcript?

A. What one is it?

Q. The one you have before you; just look whether this concerns matters of the Farben plants.

A. I have several here. Will you please tell me which one? From the distribution list one can gather that this was a session of the film plant.

Q. That is not Wolfen Farben or Bitterfeld?

A. No, these were all officials from the film factory.

Q. Thank you; I have no further questions.

THE PRESIDENT: Gentlemen, is there any objection to the Tribunal excusing this witness upon the theory that he has been thoroughly examined and cross examined and redirectly examined?

Being no objection, you are excused.

DR. SCHUBERT: I ask your Honors that the witness Milch be called in.

THE PRESIDENT: The Marshal will bring in the witness Milch.

DR. PRAGHT (Counsel for defendant Oster): I would like to use this time, your Honor, and request whether my client can be excused from the session tomorrow.

THE PRESIDENT: Yes, that will be satisfactory.

(Erhard Milch, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Mr. Witness, will you please remain standing for the purpose of being sworn, raise your right hand, say "I" and state your name for the record?

A. Erhard Milch.

Q. Now, repeat after me the oath:

Swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

You may be seated.

DIRECT EXAMINATION

BY DR. SCHUBERT (Counsel for defendant Buerger):

Q. Will you please tell the Tribunal what your activity was before 1933?

A. My last position before 1933 was technical and commercial Vorstand member of the German Lufthansa, A.G.

Q. Did you have any other position?

A. I was connected with the air industry and I was Aufsichtsrat member in the German experimental station for aviation and likewise in the German Verkehrsfliegerschule.

Q. In this capacity did you have certain power there over the construction of commercial airplanes?

A. Yes.

Q. And in these capacities before 1933 were you already -- or did you already concern yourself with the use of magnesium and magnesium components in the building of commercial airplanes?

A. Yes.

Q. Would you please explain this in detail?

A. In the Lufthansa we had a large plan for trans-oceanic air service. Aluminum was not suitable for this at the time because it was subject to corrosion. As far as magnesium is concerned, there was in a certain alloy a new material, Hydronalium, which did not show these corrosion effects; secondly, we were interested in expanding the freight capacity of the airplanes or the range of the airplanes. Since magnesium is considerably lighter than aluminum -- it has only two third of its specific weight -- we were interested in this material as far as airplanes over land were concerned.

Q. Did you know, Field Marshal, about the presence of the I.G. magnesium plant in Bitterfeld?

A. Yes.

Q. Was the keeping up of this plant promoted by you and if so for what reasons?

A. We did promote the maintaining of this plant. The handling of this question was in the hands of the government, i.e. in the Transportation Ministry; but this ministry acted according to our advice and I have already expressed the interest we had.

Q. May I interrupt here in order to avoid repetition? In the years before 1933, shortly before 1933, were there already difficulties as far as foreign exchange is concerned?

A. Yes, yes, these always existed.

Q. Do you know from what raw materials magnesium is produced?

A. Yes.

Q. Were these raw materials found in Germany?

A. Yes, Dolomite — that is the basis of I.C. then there are other raw materials in Germany, and there is sea water.

Q. Was this also a reason which was important for the increase of the use of magnesium?

A. It was one of the most important reasons outside of the technological field, because the Reich Government, because of the foreign exchange difficulties, because of the very small budget at our disposal, had no inclination to make large foreign exchange expenditures for aviation, and as an example for this, I can say that for this reason, in the foreign exchange question, we had to use benzol to a large extent in the airplanes, as a mixture and refraining from using the high-grade foreign gasoline.

Q. And all of this was before 1933?

A. Yes, it was.

Q. In your capacity as an official in the Air Ministry, after 1933, did you concern yourself with the erection of the magnesium plant near Aken?

A. Yes.

Q. Why was this plant erected at this time, and where?

A. We alone expressed this, - we in the Reich Air Ministry. The installations in Bitterfeld were not sufficient as far as their production was concerned. Then immediately after 1933, a considerable increase in commercial aviation, had been ordered.

Q. Do you know that in Aken so-called textile material, and preliminary products for incendiary bombs was produced?

A. Yes.

Q. Did this happen on the order of the Reich Air Ministry?

A. Yes.

Q. A witness has claimed here that up to 90 per cent of the production in Aken was consumed by preliminary products for incendiary bombs. Is this true according to your knowledge of the matter?

A. No, it is not. All told, as far as I remember, about 22 million incendiary bombs, - including the war period - were produced. Since each weighed 700 grams, - and I know this figure exactly, - this amounted altogether is considerably below 20,000 tons if I calculate correctly.

Q. Pardon me, the tabulation was wrong. You mentioned 20,000 tons, in other words, about 15,000 tons.

A. Yes, that's correct. About 230 to 240 thousand tons magnesium was produced. In other words, considerably less than 20 per cent of the magnesium was produced for use in incendiary bombs. The production of the incendiary bombs, of course, at a certain time, might have been a high percentage of the production because if a large order was given, industry was interested in getting it out, in producing it, and it might have neglected other orders during that period of time. Only thus can I explain someone's statement that 90 per cent of the production was used for incendiary bombs.

Q. Do you know from your activity in the Reich Air Ministry, whether in other countries before the war, incendiary bombs were produced with magnesium bases?

A. Yes, for example England, and in other countries.

Q. Now Wilhelm, do you know that another magnesium plant was erected at Stassfurt?

A. Yes.

Q. What was the reason why this plant was constructed?

A. The program ordered by Hitler and Goering for the Air Force demanded a considerable expansion of the raw material bases. Outside of aluminum which as you know had the highest priority, magnesium bases was also very important, and this was the reason why a factory was planned in Stassfurt.

Q. Was this plant put into operation immediately?

A. The execution of this program was delayed. I mean by that, the Hitler program, as far as airplanes were concerned, and that resulted in the fact that the plant, for a short period of time, - that is several months, - did not receive any orders, and therefore was not in operation.

Q. In other words, it was sort of a standby plant?

A. It became that automatically.

Q. Do you know from your position in the Reich Air Ministry, whether such standby plants existed before the war in other countries?

A. Yes, I personally know the shadow factories of the English, but something else has to be considered there.

Q. No, that is sufficient. What was the attitude of Farben about the construction of the plant in Aken and Stassfurt for which an order by the Reich Air Ministry existed?

A. As far as the Aken plant is concerned, - and I no longer know exactly whether this was the first or the second stage, I was informed that Farben was making difficulties. It was concerned about the fact that a continuous operation of the plant was not assured. It believed that large orders which were then spoken of would be fulfilled very shortly and then the plant could not operate. Therefore, it was concerned about investing large quantities of capital, because the initial expenditure in magnesium plants is very high.

Q. According to your knowledge could Farben have refused to comply with any order of the Government to construct plants?

A. We asked them for their reasons and then we gave them an assurance on the one hand that the operation would be sufficient, and secondly it could also work for export there, and thirdly, that we would loan to them the funds necessary for the construction of the plant. Thus, the financial risk for Farben was reduced to a minimum, and thus Farben had no cause then not to comply with the wishes of the Government.

Q. You haven't completely answered my question. I asked you, and I will make my question more specific, - what would have happened if Farben had refused?

A. Then the Government would have told Farben, "Do you have any other reasons? If so name them". If they were not reasonable ones, then the Government would have insisted on its desires. If Farben had said, "No," then, the Government would have ordered the plant to be constructed, and they might have set up a new agency which would have operated it.

Q. Do you know, witness, that the firm Wintershall, received an order from the Reich to build a magnesium plant?

A. Yes.

Q. Why was Wintershall ordered to do so?

A. Firstly, the magnesium production was to be increased thereby; secondly, the other system which was being carried on by Wintershall, on the basis of Carnallite, was also to be used, but the main reason was that the Government did not wish Farben to exercise a monopoly.

Q. If I understand you correctly there was always the danger for Farben that Wintershall would receive large orders from the Reich in case Farben rejected them?

A. Yes, that also was part of the story, but I would like to point out that the Hitler Government never would have permitted a German plant to refuse National requests. Every plant would have then been forced to comply.

Q. Do you know, witness, whether Wintershall also delivered these textile products for incendiary bombs?

A. As far as I know, no.

Q. Do you know whether before the war, Germany produced airplanes to any extent of light metals, especially, or whether it exported those abroad?

A. Yes, we had a very large export, which increased from year to year, and in the year 1938-39, it reached its climax.

Q. Can you judge the question which has been discussed here once in this trial as to whether the conduct of a modern war would have been at all possible without magnesium?

A. I think I can pass a judgment on this. Such an opinion is not tenable. The total production of magnesium — 230 — to 240,000 tons during peace and wartime —

Q. I want to interrupt you. For what period of time do you mean?

A. You mean those 230 — to 240,000 tons? From 1933 to 1945. This is less than the annual production of aluminum. If we had had no magnesium, all combat planes would have been equipped sufficiently with aluminum. On the other hand, training planes, which were also made of aluminum, perhaps transport planes too, would have had to be constructed with steel and wood so that for the conduct of the war no airplane would have been missing for lack of magnesium, and no reduction of production would have occurred to any considerable degree.

Q. Another subject now. Do you know a plan from the year 1940 about the use of Norwegian water power in order to produce magnesium and aluminum?

A. Yes.

Q. Do you know how this plant came to be devised?

A. Yes.

Q. Please explain.

A. A committee under the direction of an airplane manufacturer concerned itself with this problem. The reason was as follows. Gearing had received a message from us about the American production of aluminum. At that time the figure of one million tons a year was mentioned. Gearing asked how much we had, and then issued a directive to make suggestions as to how we could also arrive at a production of one million tons. This directive was sent to the then General Udet, who then got in touch with this manufacturer, Dr. Koppenberg from Junkers. And then Koppenberg made the suggestions and passed them up via the same channel.

Q. In this beginning stage were you informed about this plan, officially?

A. No.

Q. Were you informed later?

A. Yes. Through a conversation outside of the office I heard about this plan, and I expressed my misgivings to Udet. Then I didn't hear anything about it for a long time until, in my capacity as State Secretary, and the budget also belonged to my field, I got to see the program which was supposed to be submitted to Goering.

Q. And what was your own attitude to this plan?

A. I rejected it and I also noted down my remark in a letter to Goering to the effect that I rejected this plan for technological, economic and political reasons and that I would like a personal conference to explain my reasons.

Q. What were the technological reasons?

A. The raw materials for aluminum production -- that was the main thing for Norway -- had to be gotten from Hungary and the Mediterranean area, and had to be transported by ship to Norway because in Norway itself there was only a very small part available for the raw material. The name I think is Lebrucite. And only twelve and a half percent of the necessary raw materials could be made available there. That meant that the remainder -- eighty-seven and a half percent; that is bauxite -- had to be transported there by ship. I was well informed about such transportation and I knew that such transportation was impossible.

Q. What were the economic reasons?

A. There was a sum of 300 millions to begin with which had been intended for this project and a short survey showed that this sum would never be sufficient. Later a much larger amount was allocated for it. Furthermore from the Norwegian side it had been requested that instruments and machinery which were sent up there would have to be paid duty on and imported. Furthermore, Norway was supposed to get a considerable number

of these plants without compensation so that the responsibility for German taxpayers could not be assumed.

Q. And what did you do as a result of this attitude?

A. I could only do something several months later. That was immediately after I became Generalluftzeugmeister.

Q. And what did you do?

A. Whatever had already been completed I allocated for these plants, but whatever had not yet been started, or whatever was still in a very early construction stage, I dismissed from consideration.

Q. Do you know whether in this project Farben developed the decisive initiative?

A. No, it did not. On the contrary this consortium of companies made a great effort to find partners who would participate in this great project, and even in the aluminum field Farben was also a participant with a small quota. And in order to maintain this participation - it was below ten percent as far as I remember - it also participated. There was a special question in addition. In Gerstehofen, in Germany, Farben was to operate a large plant, but the supply of the necessary electricity from water power could not be realized in the time necessary. Therefore, at Udet's time an assistant of Udet suggested to Farben not to operate the plant in Gerstehofen but in Norway.

Q. May I interrupt you here? As to this Gerstehofen plant, it was magnesium and not aluminum, isn't that right?

A. Yes, I spoke of aluminum quotas before; and now we are treating magnesium. But I wish to say by that that if Farben goes to Norway for one thing, then it was very natural that it would have the desire to participate in the aluminum phase of it in Norway too.

Q. The Prosecution has discussed this Norway project on the viewpoint of spoliation and plundering. In the planning and execution of these projects, could you discover or detect any measures or intentions which could be interpreted as spoliation or plunder of Norway?

A. No, I would say, on the contrary, that my military and econo-

nic misgivings, which I expressed to Goering myself in writing, were based on the fact that in my opinion it was not possible to take the money of the German taxpayers and make a present of it to Norway.

Q. This money of the German taxpayers...Do you mean the subsidies of the Reich which had to be put at the disposal of this project because the expenditures ran too high?

A. Well, perhaps that was a reason too, but the entire project ran to about one and a half billion Reichsmark which afterwards had to go to the Norwegians.

Q. Witness, a final question. Do you know the defendant Buergin?

A. Before the time here in Nurnberg I did not know him.

Q. Thank you. I have no further questions.

THE COURT: Anything further from Defense Counsel, if not, the Prosecution may cross-examine.

CROSS EXAMINATION

ERHARD MUECH, Resumed.

BY MR. SPEICHER:

Q. Was it at your instructions that HY-43 alloy, that is HY-43 Legierung, replaced duralumin in airplane manufacture?

A. I beg your pardon, at the moment I don't know what this HY-43 alloy is.

Q Well, the abbreviation for it is also AL dash MG dash ZN. Does that refresh your recollection? That you made any determination about that?

A No, I do not know this abbreviation.

Q Do you know of any alloy which Farben developed in connection with the German experimental institution for aeronautics which replaced duraluminum in airplane construction?

A Do you mean Hydronalium?

Q Well, we realize Hydronalium was developed likewise, but I was referring to another alloy which I can only describe to you as HY-43-Legierung or alloy, because that is the way it is listed here.

A I do not know this designation.

Q Were you aware of the work of I.G. Farben on any other alloys than Hydronalium which were useful in your field of airplane construction?

A Yes, electron.

Q Now who was Dr. Jungck in the Reich Air Ministry?

A I know an officer, later a General, Jung who before 1933 was in the aviation industry.

Q What was his position in the RLM in 1938 and 1939?

A At the moment I can not tell you that exactly because personally I had nothing to do at that time with the General Luftzeugmeister.

Q What was your position with respect to airplanes in 1938, Witness?

A In 1938 I had nothing to do with this problem. Until 1937 I had to do, in the middle of 1937, and then again from 1941 on.

Q Was it brought to your attention that -- that is withdrawn. Can you tell me whether or not the Junkers-52, the Ju-52, was a bomber or a flier -- or a fighter?

A A transport plane.

Q And the Junkers 88?

A A bomber.

Q And the Junkers 87-B?

A 87-B was a dive --.

THE PRESIDENT: Just a moment. Just a moment.

DR. SCHUBERT: Your Honor, I must object to this. I don't see what these airplane types have to do in this. I didn't ask him about it, and I don't think they have anything to do with the credibility of the witness.

THE PRESIDENT: What is your reason for that?

MR. STRECHER: I am asking some preliminary questions and if I don't connect it up in the next few minutes during cross-examination, I will agree to the usual procedure in having it stricken, but I think I have some leeway.

THE PRESIDENT: Counsel is entitled to some leeway and it need not be too apparent to the Tribunal or to counsel what he is driving at until he has a reasonable opportunity to develop it. The objection is overruled.

Q The last question had to do with the 87-B. What was that? I didn't catch your answer, witness.

A A dive bomber.

Q What was your position in 1936 and 1939. Just tell us what your job was? I mean very briefly.

A I was, outside of my position as State Secretary, which position referred to civil aviation, I was general inspector of the airforce in a military respect.

Q As general inspector of the airforce, were you aware of the number of airplanes which were planned in 1938 for the years 1938, 1939, 1940?

A I knew them at that time, yes.

Q Now, this is my question: did you know that

representatives from Dr. Buerger's Bitterfeld plant were told of the number of airplanes, and the kind of airplanes which were planned for those three years in connection with their production of various types of aluminum or magnesium products which were required.

A I know nothing about this, but I consider it out of the question that the Reich air ministry gave him any information about this, because the orders for secrecy were very strictly enforced in Germany.

Q Not everybody was told about those things. Is that your point?

A Only those people could know about it who had something to do with it.

Q What is the next exhibit? Now I show you a document, we will mark Prosecution Exhibit 1970 for identification. This still does not have an NI number, Mr. President.

THE PRESIDENT: You mean 1969 will be the next according to our calculation or have you had a 1969? Better check with the Secretary.

MR. SPRECHER: 1969 was the document which we marked for identification concerning the Witness — it was the Witness Jones' telegram, and since you rejected the question, of course, the exhibit number stays merely for identification.

THE PRESIDENT: That is right. This is 1970 then.

Q Now this, Witness, is a file notice written by certain gentlemen from Bitterfeld, on the 19th July 1938, which talks about a visit on the 15th of July, 1938, in the RLM with this Dr. Jungok. J-u-n-g-o-k. Now my first question is, is this the Dr. Jungok who became a General that you mentioned before?

A According to the way his name is spelled here, no. The Dr. Jung whom I meant I don't think was a doctor and is

not spelled with a g-c-k. This particular Jungck is unknown to me.

Q I will ask you to look at the second page where the account of the airplanes to be built for the last month of 1938 and for all the months 1939 and the first three months of 1940 is given, and I will ask you this. Were there any other large airplane manufacturing companies, besides BFW, Heinkel and Junkers who were producing airplanes at that time, so far as you know in Germany?

A Oh, yes. A considerable number more.

Q No further questions.

THE PRESIDENT: Anything further from the defendants?
Then the witness is excused from further attendance.

DR. SCHUBERT: Your Honor --.

THE PRESIDENT: I am sorry. I didn't see you.

REDIRECT EXAMINATION

BY DR. SCHUBERT:

Q Do you still have the document?

A Yes.

Q Would you please look at page 2 of the document where the number of the planned machines are given?

A Yes.

Q I only want to ask you the following: could a layman who just doesn't work in the aviation industry tell from the designations HE-111-D, or whatever they were, could he tell at all what type of airplane is being spoken of?

A As far as the general secrecy is concerned, I would answer this with "no".

Q Thank you.

A I might say about this that this list from this program - that if this was handed to Farben and this Mr. Jungok who

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is mentioned here, it would have brought him ten years prison if this would have become public. This is absolutely against all customs and against all the directives which were issued by the Reich Air Ministry at that time.

Q Thank you. I have no further questions.

THE PRESIDENT: Anything further? Then, Mr. Witness, you now are excused.

(Witnesses excused.)

THE PRESIDENT: As soon as the Marshal returns, we will permit you to call your next witness. Call your next witness.

DR. SCHUMPERT: As the next witness, I would like to call the witness Weeber.

THE PRESIDENT: Bring in the witness, Mr. Marshal.

KARL HERMANN WEEBER, A witness
took the stand and testified as follows:

THE PRESIDENT: Mr. Witness, will you remain standing for the purpose of being sworn. Raise your right hand. Say I, and state your name for the record.

THE WITNESS: I, Karl Hermann Weeber.

THE PRESIDENT: And now please repeat after me the oath.
I swear, by God, the Almighty and the Omnipotent, that I will speak the pure truth and that I will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated. Mr. Witness, has anyone explained those lights before you to you? Those light bulbs, do you know what they are for?

THE WITNESS: May I use English language to avoid any misunderstandings or interpretations in the field of chemistry or engineering?

THE PRESIDENT: It is quite agreeable with the Tribunal. But I started to say, the yellow light, if it is flashed in front of you, indicates that you are speaking too rapidly and is a sign for you to slow down. The red light means to stop and not talk until you are told that you can speak. Now, speak distinctly and slowly and give the translation staff an opportunity to translate what is said, if anything is in German, so that we understand it.

THE WITNESS: Thank you.

THE PRESIDENT: Thank you.

DIRECT EXAMINATION

BY DR. SCHUMPERT:

Q Witness, will you please give me your full name for the record?

A Karl Hermann Weeber.

Q What is your profession?

A I am a metallurgical engineer.

Q Were you with Farben in Bitterfeld?

A I was employed with IG-Bitterfeld from December 1, 1934 until the war was over.

Q In what position were you employed at Farben?

A I joined IG Farben Industry in Bitterfeld as a assistant of a plant manager of the foundry, was occupied in the light metal foundry in the years 1934, 1935, and 1936; went abroad on behalf of IG in the years 1937 and 1938; came back to Bitterfeld and succeeded the plant manager of the light metal foundry the January 1st, 1941. I was in that capacity until the war was over.

Q Are you in a position to testify about the production of magnesium metal, about its processing and about its employment?

A Yes, I think so.

Q Will you describe very briefly the plan from raw material to the fabricated magnesium?

A The IG process in producing magnesium used either magnesite or dolomite, magnesium chloride, waste solutions. Dolomite and magnesium waste solutions were plentiful in Germany, magnesite in Austria. Dolomite was calcined, burned, or calcined, and by addition of magnesium chloride solutions, magnesium hydroxide was precipitated. Magnesium hydroxide was dehydrated, dried, and chlorinated to magnesium chloride. Magnesium chloride was brought to the electrolytic cell and decomposed into chlorine and raw magnesium metal. Raw magnesium metal was then purified in the foundry and transformed either to pure magnesium ingot or magnesium alloy ingot.

Q As for the processing plants, what was processed in Bitterfeld and how far was the product processed?

A. The principal plants in the Bitterfeld were the foundries, the extrusion shops, the forging plants, the sand casting and die casting department, minor important, the department for light constructions also of minor important, and the magnesium powder plant.

Q. And what was done in this processing plants?

A. Well, to start with the foundry. Raw magnesium was purified and cast into pure magnesium ingot or billet. Ingots of about 4 pounds in weight, and billets of diameters ranging from 3 inches to two foot and six inches. That was a production of the foundry. The same products were also made in magnesium alloy, not only in pure magnesium. Then the extruding department. In the extruding department all sorts of sections, such as rods, bars, wires, tubes, profiles of all sorts were extruded, half way. In the forging department, the magnesium alloys forged, or rather pressed into dies, and these forgings shipped in semi-finished state. The sand casting and die casting department, as I mentioned, were of minor importance and merely experimental plants, to study the development and the technique of the material, and in order to pass the experience to the licensees of the company.

THE PRESIDENT: Mr. Witness, the Tribunal promised to hear Dr. Hoffmann for a few moments to make some record. I think, Dr. Schubert, that we will suspend the interrogation of the witness until tomorrow morning, if you don't mind stepping aside now.

DR. HOFFMANN, are you ready to present your matter?

DR. HOFFMANN: Perhaps I did not express myself properly. I thought that first I wanted a short conference in your chamber.

THE PRESIDENT: Oh, I thought you wanted to make the record here. Then we will see Dr. Hoffmann immediately upon recessing, and whatever record is to be made then, if it is agreeable to you, we will make in the morning. Will that be agreeable.

DR. HOFFMANN: Yes, Your Honor.

THE PRESIDENT: Then, you may go ahead for about five minutes, Dr. Schubert.

BY DR. SCHUBERT:

Q Did you answer my last question, or did you want to add anything?

A I think I mentioned all the major products.

Q How much of the pure metal was processed in Bitterfeld, and how much of it went right to the other foundries?

A The amount of metal used for sand and die casting purposes was about 75 percent. This amount went to the licensees as raw ingot. The remainder of 25 percent may have been worked into half-ware and semi-finished goods, such as extrudings, semi-finished forgings, and so on.

Q Why did Farben in Bitterfeld process only such a small part of its metal itself and left the rest of its processing to other firms?

A I had for a long time contact with the licensees, had given licenses, to sand casting and die casting foundries and did not like to take up this trade in order to avoid competition with the old licensees.

Q If you did not produce your own products in Farben, then you, witness, can probably give us the various employments of magnesium. What uses did magnesium have in the main?

A To explain the use of magnesium, I must first of all give a few technical data regarding magnesium. Magnesium has a specific weight of 1.8 and zinc -- and that means that it has only two-thirds of the specific weight of the light metal aluminum. It is therefore called the superlight metal. Application of magnesium becomes always very attractive when the weight, or rather the lightness overrules any other technical consideration. Therefore, it is appropriate for instance in every case where the product must be borne by men or transported frequently. I take the example of a camera.

A camera will never be knocked about so badly that it wouldn't withstand one made from magnesium, although the physical properties or the strength of magnesium is not equal to the aluminum alloys; but such use is abundant for cameras, for field glasses, telescopes, for hand boring machines, for portables saws, for portable sewing machines, for all equipment in motor cars, and trailers, in railway lorries, in aircraft, a very wide field of application is also the telephone telegraph, wireless industry, and so on.

THE PRESIDENT: Dr. Schubert, it is now a quarter of five. May I remind counsel that tomorrow being Saturday we will convene at 9:30, and if we conclude the program that has been outlined, we shall recess at the day, otherwise we shall run only to 4:30 tomorrow afternoon. The Tribunal is now in recess until 9:30 tomorrow morning.

(The Tribunal recessed until 0930 hours, 6 March, 1948.)

Official Transcript of Military Tribunal VI, Case VI, in the matter of the United States of America, against Karl Krauch, et al, Defendants, sitting at Nurnberg, Germany, on March 6, 1948, 0930 hours, Justice Shake presiding.

THE MARSHAL: Persons in the Courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, will you ascertain if all of the defendants are present in the Courtroom?

THE MARSHAL: May it please your Honor, all of the defendants are present in the Courtroom except the defendant Haefliger, who is absent due to illness, and the defendant Duerrfeld, Oster, Buotofisch, and Schnitzler, who were excused by the Court.

THE PRESIDENT: Are there any announcements from the defendants' counsel?

Anything from the Prosecution? (No response)

Then the Counsel for the Defense may continue.

DIRECT EXAMINATION (continued)

KARL HERMANN WEEBER

BY MR. SCHUBERT:

Q. Witness, yesterday you had spoken about the uses of magnesium. Can you tell me what part magnesium played in armament?

A. I could not observe the use of magnesium for armament, as war material was not produced in Bitterfeld. I heard that magnesium was used for armament, although not in Bitterfeld. For instance for wheels, for cannons, field guns, for aircraft, landing wheels, for aircraft motors, and so on; and tanks, armored cars, magnesium was not used, or if so, for minor parts only, perhaps for seats or for single equipment.

Q. Were incendiary bombs produced in Bitterfeld from Magnesium?

A. Incendiary bombs were not produced in Bitterfeld. The Bitterfeld works produced tubes and rods.

THE PRESIDENT: Mr. Witness, you could save some time by answering "yes" and leaving it to counsel to ask about the types and other things, if he is interested in it.

BY DR. SCHUBERT:

Q. Witness, from the tubes and rods which you produced could you tell us to what finished products they were processed?

A. Tubes and rods were so neutral in shape that they could be intended for other purposes. I personally know that they were used for incendiary bombs.

Q. What proportion of the production of magnesium metal did the tubes and rods for incendiary bombs amount to?

A. I cannot remember the actual figures, the accurate figures of the magnesium used for this purpose, and therefore I cannot give an accurate percentage of magnesium used for the purpose. My remembrance is reliable in the point that the amount decreased from 1935 until 1944, at which time the amount of magnesium used for the purpose was considerably less than 10 per cent.

Q. Do you know anything about the production of the magnesium plant at Aken and Stassfurt?

A. The plants at Aken and Stassfurt were erected with the experience gathered in Bitterfeld, but the main difference between the works Aken and Stassfurt on one side, and Bitterfeld on the other, was that Aken and Stassfurt had practically no equipment for working and shaping the metal. Stassfurt none at all. The Aken extruding Department, was too small to deal with all the metal produced in the works. The extruding Department of Aken produced mainly extrusions, including tube and rod; the Stassfurt works produced ingots, pure magnesium alloy for sale to the licensees, - and foundries, and dye casting foundries.

Q. What is your attitude, witness, on the question which has

been discussed here, as to whether, without magnesium the conduct of a modern war is not possible?

A. I have not been a soldier, not for one day in my life, but I think that warfare, and even modern warfare is possible without magnesium. One should keep in mind that magnesium can be replaced by many materials, for instance aluminum, brass, steel, timber, plastics; then, the total amount of magnesium produced in Germany did never exceed 30 thousand metric tons per year, which is only 10 per cent of the output of aluminum of Germany, and if magnesium was considered so decisive for war, the production would not have stopped as such a poor figure.

Q. Did Farben in expanding the magnesium capacity intend a further use of magnesium in peacetime?

A. The use of magnesium in peacetime was, of course, intended and secured, I dare say. The spreading knowledge of the metal, the good properties, machining properties, secured a wide market for magnesium. The demand of the Volkswagenwerke of Fallersleben, would have taken all of the production of magnesium of I. G., if the priority regulations and rationing was abolished.

Q. To what extent did Dr. Buergin as Chief of the Bitterfeld plant, participate in the magnesium production, to your knowledge?

A. Dr. Buergin influenced the metallurgical department only to a limited extent. Metallurgists know that he was not expert on metallurgy. His interests were merely on the chemical side. Dr. Buergin visited the works occasionally, especially with guests.

Q. Witness, I would like to show you a document now, which was introduced yesterday by the Prosecution, as Exhibit 1970.

THE PRESIDENT: Wait a minute counsel. There seems to be some confusion with that number.

MR. SPEAKER: It is Prosecution Exhibit 1870.

DR. SCHUBERT: This is a report about a conference in the Reich Air Ministry and attached to it is a list about the prospective airplane

production of certain plants in the years 1939-39-40. Would you please tell me, by looking at the document, whether to your knowledge the conditions in the Bitterfeld plant, - or whether Dr. Baergin had knowledge of this document?

A. To start with, I notice that Dr. Baergin, -- this document is not addressed to Dr. Baergin for his attention, and I cannot find his initials, or any other sign on the sheet which would indicate that he had it in hand. Furthermore, it is not addressed to the head of the Light Metal Department either, and it is not addressed to the Works Manager of the Bitterfeld Steel. As a matter of fact, all of the gentlemen named on it are not directors, so I conclude that this document was not considered to be of importance, to be brought to the knowledge of the directors.

Q. What do you know about the exchange of know-how of Farben and foreign countries in the field of light metal?

A. The exchange of experience with foreign countries was very intensive. I. G. Farben offered reports of scientific research licenses, answered questions, etc with many firms abroad. I personally participated in the work, and the detailed questions and made reports.

MR. SPEECHER: I regret that I misled the court a while ago on that exhibit, mentioned a while ago. It was not "1870" but "1970".

THE PRESIDENT: Very well. Thank you, Mr. Sprecher. The record may show that the Exhibit that was referred to by Counsel for the Defense a little while ago, as Exhibit 1870, is really 1970, as pointed out by the Prosecution.

BY DR. SCHUBERT:

Q. Do you know of any visits of foreign experts in the field of light metals at Bitterfeld, and what these records show?

A. We had a good deal of visitors from many countries. They were shown around the works for the Works Sued, Works Nord; I. G. arranged also for them to visit the Leipziger Leichtmetallwerke Pechwitz, a rolling

mill for sheet and strip, and also with licensees Sand Casting and
Blas Casting foundries.

Q. Whenever such visitors wanted to come did you have to get
the approval of the authorities?

A. Yes, we had to get a permit for any visitor who intended
to come into the works. This permission was secured by the head office
of I. G. and once a visitor had entered the works, nothing was concealed
to him.

Q. To what extent did Dr. Baergin promote such visits?

A. He chose and advised the experts to give the detailed
information, and paved their way.

Q. Witness, what do you know about I.G.'s consultation during the construction of foreign magnesium factories during the years after 1933?

A. In the years before I joined I.G. I know that with the assistance of Bitterfeld chemists and engineers, two works in France, the Société du Magnésium and Compagnie des Produits Chimiques et Electrometallurgiques, Alais, Froges and Camargue were modernized and I.G. Farben's process introduced for the production of magnesium, with the help of the Bitterfeld staff.

Later on the Magnesium Electric Limited, at Clifton Junction, near Manchester in Britain was planned, erected and operated with the help of I.G. Farben's staff in Bitterfeld. I personally participated in the work, and 9 leading chemists and engineers spent months and years in Manchester, assisted by a staff of about 20 to 30 German craftsmen, such as electricians, fitters, foremen, technicians, etc. We offered this assistance in spite of the fact that we were convinced that part of this production we were starting, would go to the British Government, and this was concluded from the fact that the demand and the production of magnesium powder in Clifton was so great that it could only be intended for pyrotechnic purposes; that means for incendiary bombs or incendiary shells.

Q. Once you were in England did you participate in the construction of Clifton Junction?

A. Yes in erecting and operating an aluminum alloy foundry, an aluminum containing magnesium foundry of Birnotts, Birmingham.

Q. Did Farben, according to your experience, carry on a policy intended to weaken foreign countries in the field of magnesium in order to bring about a superiority of Germany in case of war?

A. All of the activities of I.G. in promoting magnesium as a new metal, and in spreading the knowledge of it, are so contrary to ideas of such kind, that an allegation of such kind could only be termed absurd.

DR. SCHUBERT: Thank you very much. I have no further questions.

THE PRESIDENT: Any further questioning from Defense counsel?
Then the Prosecut on any cross examine.

CROSS EXAMINATION

KARL HERMANN TEEGER

BY MR. SPEECHER:

Q. With respect to the extrusions of aluminum and magnesium in Germany from 1936 until the end of the war, was there ever any kind of a bottleneck there,— was it difficult to get all of the ingots extruded in the proper form, witness, or don't you really know about that?

A. There were, of course, many obstacles, shipping, transporting facilities—

Q. I am not taking you about shipping and transportation. I am asking you about the problem of extruding. Have you ever been to the Extrusion Plant of the Aluminum Company of America at LaFayette, Indiana? You said you visited America.

A. No, no.

Q. Did it come to your attention that in foreign countries any of which you visited there was always a bottleneck in the extrusion program?

A. It did not come to my knowledge.

Q. Did it come to your knowledge in Germany that there was at any time a bottleneck in the extrusion program of light metals?

A. All of the metal was in the end transformed into wanted shape.

Q. Was there ever any bottleneck between the requirements for a total ingot, and the requirements for further processing of the ingots, by way of extrusion, or don't you know?

A. I am not aware of it.

Q. Now, let's talk some more about extrusion so far as aircraft requirements are concerned, — and speaking only of those requirements, — are most of the products extruded, are most of the extrusions in such shape when they come from the extrusion plant, that they have to be worked on by an intermediate processing industry, or do they usually go immediately to the machining Department of the aircraft industry itself; or don't you know?

A. At least a part of the extruded material must go through machining before going to the aircraft factories.

Q. Do you know whether or not the aircraft factories had their own machines for this machining of the light metal?

A. Certainly they had.

Q. Thank you. Now do you know whether or not from Parson's Alcoa Extrusion Plant, a lot of extrusions went directly to the leading Aircraft Manufacturers, - or don't you know about that?

A. That may be.

Q. I don't ask you if it could be; I asked you if you know about it.

A. I couldn't tell it distinctly.

Q. You don't know?

A. No.

Q. You are sure you don't know?

THE PRESIDENT: Now he has answered the question three times. That is enough.

MR. SPEECHER: Thank you, Mr. President.

Q. Now can you tell us what HY 43, Legierung is? HY 43 Alloy?

A. Yes. Hydronalium '43, is an aluminum alloy containing about 4 per cent of zinc; about 3 per cent of magnesium, and minor constituents such as chromium, manganese and vanadium.

Q. And any zinc?

A. Yes, zinc.

THE PRESIDENT: He already named zinc.

BY MR. SPEECHER:

Q. Did it replace Duraluminum?

A. Yes.

Q. When?

A. In the course of the war.

Q. Do you know who ordered that it be replaced by Duraluminum?

A. The Hydronalium '43 alloy was tested by the Versuchsanstalt fuer Luftfahrt at Berlin Adlershof, and by comparison of different alloys it was considered worth while to develop it.

Q. Who developed that alloy?

A. A team composed of metallurgists.

Q. From where? From what plant?

A. Of Adorshof of Bitterfeld, - I think that is all.

Q. The development and the experiment was done by these two groups, one from Bitterfeld and one from the German Experimental Institute for aeronautics; is that right?

A. Others may have taken part, but I could not mention them.

Q. I show you Prosecution's, - I show you NI 8074, which will become Prosecution's Exhibit 1271 -

THE PRESIDENT: Now did you not make a mistake? Is that not 1971?

MR. SPEECHER: Pardon me, 1971, and we are putting in the German and English excerpts, only the parts from page 5. Will you go over to page 5, Mr. Witness? First look at the heading to see what it is about, and then go over to Page 5. These are extracts from the minutes of the 29th Vorstand meeting on the 9th of January, 1942, and over on page 5 of the original there you come to a heading called, "Purchase of the Metal Plant" so and so, at Leipzig.

Now, I point out at the top of page 5 of the original the following. In the following Baergin states that duraluminum, which has dominated the market for more than forty years, will now, upon orders of Field Marshal Milch, be replaced in airplane construction by HY-43 alloy which has been developed by I.G. and the German Experimental Institute for Aeronautics. Thus a goal has been reached which has been followed in six years of work."

Does that refresh your recollection about my earlier question as to who actually ordered this replacement? Did you know that Milch had ordered it, or not?

A I did not know.

Q Now, is Dural an abbreviation for duraluminum also? (D-u-r-a-l)

A It is exactly the same.

Q Thank you. Now, in this document, Prosecution Exhibit 1970 which you were shown this morning by Dr. Schubert, have you still got that there? Could you look at it please? Under paragraph 2 hydronalium is mentioned. What relation does that have to this abbreviation: HY-43 alloy? Or is that a different kind of alloy?

A The name hydronalium covers a whole group of alloys -- aluminum alloys -- containing various contents, various additions, but all hydronalium alloys contain magnesium to a certain extent. Apart from that, they have very different properties, physical and other properties.

Q Was most of the hydronalium production used by the aircraft companies, or not?

A Yes, I think so.

Q Thank you. Now, did Verben supply directly to most of the aircraft companies one hundred percent of the hydronalium requirements, and to the others ninety percent? Or don't you know?

A I don't know.

Q Well, would you look at paragraph 2 of the document before me. This may be out of your field but I will ask you if that refreshes your recollection where it states there under hydronalium that the 90% of the airplane fins is supplied one hundred percent by us, except for Alton & Voss where we supply ninety percent; ordal, where we supply ninety percent; Hainkel, where we supply ninety percent.

A I suppose that those figures are true, but even then they were not very significant --

Q I hadn't ask you how significant. Witness, I hadn't asked you how significant they were. If Defense Counsel wishes to ask you that, that is for him to do and not for you to volunteer.

Now, let me ask you this question. In July, 1936, this condition was indicated by this document. Do you know whether or not that condition changed between July, 1936, and the end of the war with respect to hydronalium? Do you know or don't you know?

A I have no knowledge of it.

Q Thank you. Now, did you have any knowledge of the activities of the division Elektrometall inside Farben's Bitterfeld plant? Were you familiar with it? Did you work with them?

A Yes.

Q Now, who was the chief of that department?

A The chief of this department was Dr. Adolf Beck until, say, 1930 or 1931, and he was succeeded by Dr. Altmeyer; Dr. Altmeyer until the war was over.

Q Who was Fiedler, who has been mentioned here before?

A Fiedler is the plant manager of the Extrusion Department.

Q Now, looking at paragraph one of Prosecution Exhibit 1970, now I ask you what Igebur means? (I-g-e-b-u-r-).

A Igebur is the trademark of I.G. for the duralumin alloy.

Q And then the phrase "Igebur autoilung," which means the distribution chart?

A Allocation.

Q Allocation — thank you. Now, since you know English so well I would like to ask you what the words just after that mean that are in parenthesis, which indicate the type of extrusions I take it, is that right?

A Rohre means tube; Stangen means rod; blech means sheet; bander means strip; and nistdrcht means wire for riveting.

Q Now, was it important for the head of the Extrusion Department to know anything about where his extrusions went so that he could make less machining necessary after extrusion, or not? Or don't you know?

A Machining would not have been done by I.G.

Q Now, who was Dr. Ostermann?

A Dr. Ostermann at that time was the plant manager of the foundry.

Q Were you under him?

A Yes, I was his assistant.

Q I see; and who was Keinart?

A Mr. Keinart was the representative for the light metals in Berlin.

Q What agency in Berlin — I.G. Farben's agency?

A Yes, I.G.

Q Thank you. That was that agency called?

A I.G. Farbenindustrie Abteilung Elektrometall, Berlin.

Q And who was Mueller, who was mentioned at the top of Prosecution Exhibit 1970 there as having been present in this discussion?

A Mr. Mueller is the Deputy Sales Manager.

Q Where did he come from? Where did he come from, I mean?

A In Bitterfeld.

Q And was he from the Salco Corbino Chemicals?

A No, the light metals sale was dealt with by a special office in Bitterfeld.

Q That is true, but did they fall generally under Sales Combino Chemicals, or don't you know?

A I don't know.

Q Do you know whether they accounted to the central finances or rather to Tandler's accounting system through the Sales Combino, or directly?

DR. SCHWAB: Just a moment, Your Honor, I must object now. I think that this cross-examination goes far beyond my direct. The impression is being created as if the witness is to make statements for the Prosecution and give them information. I object to this type of questioning because it goes far beyond the frame of my examination.

MR. SPEECHER: I don't think it does. Questions were asked concerning the knowledge of leaders of Farben concerning this type of matter, and I was trying to show the interconnection which such transactions have to have in such a concern.

THE PRESIDENT: Counsel, are you interrogating this witness with respect to the persons whose names appear on a document that was offered by you in the cross-examination of another witness?

MR. SPEECHER: Yes, and also about a document which he mentioned this morning in connection with the knowledge of the defendants concerning that document.

THE PRESIDENT: It just seems to me, without wasting too much time, that it is getting a little bit offside when you try to cross-examine this witness with reference to a document that was produced in the cross-examination of another witness and about which he was not asked by counsel for the Defense.

MR. SPEECHER: I beg your pardon, Mr. President. This concerns one of the first documents which Dr. Schwab did show to the witness this morning. I am talking about Prosecution Exhibit 1970.

THE PRESIDENT: I know that, but I mean that he did not raise the question of the persons whose names appeared on the document.

he did, then your cross-examination is correct. And I am just not sure
what the record may be.

• MR. SPEECHER: Well, do you want me to try to clear up the
record by asking the question again?

THE PRESIDENT: Yes, if you will.

BY MR. SPRECHER:

Q Mr. Witness, did you on direct examination talk about whether or not these persons who were shown on the distribution list and who appeared were, for example, directors of Farben, or not?

A Yes, I mentioned that no director is named on the document.

THE PRESIDENT: That is enough. Then we will overrule the objection because certainly the Prosecution is entitled to show who they were since he testified they were not directors.

Your cross examination is within proper limits.

BY MR. SPRECHER:

Q We had last taken our departure with respect to Mueller (M-u-e-l-l-e-r) and you had testified that he was in the Sales Department at Bitterfeld, is that right?

A Yes.

Q Now, I realize that you are a technician but I was wondering if you know how the Sales Department at Bitterfeld accounted for such things as the sales of the products which are mentioned on this document?

THE PRESIDENT: Now that is beyond the scope of what we hold to be admissible. I feel quite sure that he did not go into fields of activity of other departments with which he had had apparently no connection, or at least he has testified about.

If counsel for the Defense wishes, I will sustain that objection.

MR. SPRECHER: All right.

BY MR. SPRECHER:

Q Mr. Witness, you made a general statement about the knowledge which persons were likely to have concerning this document. Let me ask you this. With your knowledge of the functions of Dr. Mueller, for example, do you feel yourself in a position to testify about the question of what knowledge would come to other Farben people of a document like this or of its contents?

A I repeat that from the appearance, from the document, I can't

recollect that it has come to the knowledge of the direct...
Mr. Macellar, I must correct the counsel for the Prosecution,
is not Dr. Macellar --

Q I am sorry.

A -- is a clerk and not of great influence.

Q Now, before you went abroad, after the year 1937, did
you have to have any permit of any Reich agencies apart from
the Foreign Office? When you went abroad to England for
example?

A No, the passport was provided by the company.

Q Oh, you don't know how the company went to get
permission for you to go to England in connection with a
know-how project, where know-how was important?

A No.

Q Were you familiar with the Vermittlungsstelle of
directives on secrecy, from the nature of your work?

A No.

Q No further questions.

THE PRESIDENT: Anything -- just a moment please. Judge
Morris wishes to say something.

BY JUDGE MORRIS:

Q Mr. Witness, what is meant by the term "extrusions"
when used in connection with the production of light metals?

A An extrusion means that the product is produced by
pressing heated metal with the force of an hydraulic press
through a die whereby the metal flows out of a die in the
form of a rod, or a section, or a tube, or a strip, or a wire.

Q Then an ingot would not be an extrusion?

A No. An ingot is a piece of metal only.

Q Thank you.

THE PRESIDENT: Anything further from counsel for the

Defense?

REDIRECT EXAMINATION

KARL WEEER , Resumed

BY D.L. SCHUBERT:

Q Witness, you were asked about hydronalium 43. That was the actual point of view by which HY-43 differed from duraluminum?

A From the chemical point of view the composition was different in as much as copper was saved, and during the war copper was very short in Germany. Instead of using duraluminum with about four percent of copper, hydronalium was promoted, having only about one half percent of copper. And in addition to this chemical difference, or difference in composition, it had interesting physical properties as the strength exceeded that of duraluminum about by twenty percent.

Q Thank you very much, witness.

THE PRESIDENT: Anything farther, gentlemen, before the Tribunal excuses this witness? As there has been no request for further examination -- just a moment.

MR. SPEECHER: In view of Judge Morris's question, I think we could clear just one simple, mechanical question up.
BY MR. SPEECHER:

Q Mr. Witness, with respect to the ingot, is it true that the ingot is the mass of material which is heated and then put through the hydraulic press in order to make the extrusion?

A No, we call that "billet"; the piece which is extruded in the hydraulic press is termed the billet. It is a round shaped --

Q All right, then in other words the ingot is just one step before the billet?

A Yes.

Q Thank you.

BY THE PRESIDENT:

Q Now, I will see if I can add something to the confusion here. The ingot is the first step in the completion of the production of the metal?

A Yes.

Q The billet is after the alloying process has taken place and the mass of metal is ready to be processed, is that correct?

A That is correct.

THE PRESIDENT: Anything further? Do you have anything further, Dr. Schubert?

DR. SCHUBERT: Yes, perhaps one more question.

RE DIRECT EXAMINATION

BY DR. SCHUBERT:

Q Witness, do you know the book called "Thirty Years of Electrons"?

A Yes.

Q Do the photos contained in that book give us exact information on the technical questions which came up because of the questions put by the Tribunal and the Prosecution?

A Yes, it gives interesting pictures on that object.

Q Thank you.

THE PRESIDENT: You are excused from further attendance, Mr. Witness.

(Witness excused)

Call your next witness now, so the Marshal may bring him in.

DR. SCHUBERT: Your Honor, I have decided to forego two witnesses and obtain written testimony from them. My last

witness then will be the witness Lang. Mr. Theobald will
administer the witness.

THE PRESIDENT: Mr. Marshal, will you bring in the witness
Lang?

(HERMANN LANG, a witness, took the stand and testified
as follows)

THE PRESIDENT: Mr. Witness, will you please remain
standing, raise your right hand, say "I", and state your
name?

WITNESS: I, Hermann Lang.

THE PRESIDENT: And now repeat after me the oath of a
witness:

... swear by God, the almighty and Omnipotent, that I will
speak the pure truth and will add and withhold nothing.

(The witness repeated the oath).

You may be seated.

Mr. Marshal, will you help the witness get his earphones
adjusted, please?

DIRECT EXAMINATION

HERMANN LANG

BY MR. THEOBALD: (Counsel for the defendant Saargin)

Q Witness, will you please once more state your full
name for the record, and the date of your birth?

A Hermann Lang, 15 July 1892.

Q Witness, why are you in arrest?

A I was arrested because I was a member of the
General-SS and held the rank of Obersturmfuhrer, (equivalent
to Lieutenant Colonel.)

Q How did you get into the SS? Will you briefly
describe that?

A At the end of 1933 I was asked to join the SS by

Gesamführer Altner from the general SS in Halle. We made Gesamführer Altner's acquaintance during business talks and at the time I had gained a favorable impression of him. At Bitterfeld none of the leading gentlemen, either the older directors or the younger ones who had to replace him, had any relationships with the Party.

Q Witness, were you active in the SS, or were you only a nominal member?

A I was merely a nominal member. When I entered the SS, Mr. Altner assured me that I would have to do no duty and that I wouldn't be burdened with any administrative or other tasks.

Q Then the promotion was given you without your own doing?

A Yes.

Q What of your profession?

A I am a chemical engineer.

Q And you were active at Bitterfeld, were you? What were your positions at Bitterfeld?

A Since 1920 I have been active with Farbion. At the end of 1932, I was transferred to Bitterfeld in order to take charge of the Technical Directorate under Pistor. I was to get acquainted with the I.G. situation at Bitterfeld.

Q What was your final position at Bitterfeld?

A In 1936, on the first of January, I became the head of the Plant Nord. In 1937, I became director of Farbion. And in 1941 I became Dr. Buergin's deputy, after Dr. Moschel had gone to Norway.

Q You were Buergin's deputy as the head of the Works Combine?

A Yes, that is right. That mainly referred to the

Bitterfold plants.

Q Would you please tell me, was Dr. Buergin, up to the time he became head of the Works Combine, that is before the 1st of January, 1938, your superior?

A No, Dr. Pistor was my direct superior. However, it was clear to me that Dr. Buergin would be his successor, but up to that time I didn't consider him to be my superior, and I negotiated about everything with Dr. Pistor directly.

Q I should now briefly like to discuss a few products of your Bitterfold plant which were used for armament purposes and which were mentioned by the Prosecution here. At first let me discuss Losantine. It is known here as a counter-agent of Lost. Was Losantine a completely new substance or did it develop from other ordinary products of Farben?

A It was not a new product but it merely developed from old ones. Bitterfold was one of the most important producers of chlorine calcium. Chlorine calcium is the cheapest bleaching agent and disinfecting agent. During the First World War already, it was used for the combatting of Lost. Calcium hydrochloride has the unpleasant quality of not bearing storage. Bitterfold developed a new product similar to calcium hydrochloride by the name of Perchlaron. This was far more tenable than ordinary calcium hydrochloride. It therefore seemed suitable for the combatting of Lost. Later, however, we found that its reaction was too violent; when it came into contact with Lost it heated up to the point of flames. Consequently we mixed Lost -- I beg your pardon -- consequently we mixed Perchlaron with wet calcium and we thereby decreased its reaction.

Q If I understand you correctly, Losantine was also used for bleaching purposes?

A Perchloron was used as a bleaching agent but Losantine was not. But the mixture of Perchloron with calcium brings us Losantine. This is a purely mixing process and it was only used for the combatting of Lost.

Q Do you know how much Losantine was produced when you in 1936 took over the plant Word? Do you know the monthly capacity?

A I don't remember any figures. I can only say that at first the amount was very modest; at any rate, up to the outbreak of war, we had no difficulties to use the necessary amounts of Losantine from the Perchloron which we normally produced.

Q Did you have to make big investments for that purpose?

A No, no investments were necessary for the Perchloron plants and also for the mixing plants. Apparatus available to us from our earlier calcium hydrochloride production.

Q A letter by you has been submitted here addressed to the CER, dated March 1939. That is Exhibit 256, Book 10 of the Prosecution. In this letter is stated the reason for the expansion of the factory for the production of Losantine tablets in the year of 1938, and you ask that the CER take over the coverage of the expenses. You also sent a copy of that letter to a Foreland member, Dr. Schl, in Frankfurt. Do you remember these letters?

A Yes, we are here concerned with Losantine tablets. These were small tablets weighing about 1.5 grams of which each soldier had to carry 30 tablets in addition to his first-aid bandage.

Q What was the purpose of these Losantine tablets?

A In case the skin would come into contact with Lost, in case there was any gas warfare, a tablet was to be crushed. It was rather soft and it was to be applied to the skin and rubbed at the spot where contact was made with Lost. If that happened within a few minutes after the skin had come into contact with Lost, Lost was eliminated and no danger resulted. If that did not happen, serious wounds resulted and there could perhaps be death resulting.

Q And now would you please continue telling us how production came about and tell us about the expansion in 1938?

A The tablet production was just about at its start when I took over the plant ward. We could produce about 300,000 tablets per day. That sounds like rather a lot, but it only needs a very small number of apparatus which could have been put into a room like this one here. Starting from approximately 1937, we were urged to expand our production. Dr. Burgin, however, had given me the directive to only approve that if the cost for the expansion, that was only a question of 8,000 marks, would be compensated to us. We assumed that any such production would only be temporary and that we could no longer get back our investment. In the fall of 1938 when the Sudeten crisis came about, the soldiers became somewhat more nervous and urged for an expansion. They assured us verbally of paying us the necessary expenses. Then we immediately started to expand. That was possible within a very short time because the machines could be easily bought at the time. These were ordinary machines for the producing and packing of tablets. The installation of such machines takes only a few days.

Q And what was the total cost of this entire matter?

A Altogether, 80,000 marks; only about 30,000 marks were spent for the presses, the rest was merely an expansion of the production space. We did that very quickly and when half a year later we asked about the expenses incurred, we were told rather surprisingly that there was no reason to give us the expenses back because the expansion had been necessary. That is why I wrote the letter in which I recalled the situation in the fall of 1938 when the expansion was asked. Mainly there were people there who didn't know what the situation was then.

Q The production of Locantina tablets was carried out upon orders of the Wehrmacht? Is that right?

A Yes.

Q And the expansion of these tablet plants was also carried out upon request of the Wehrmacht?

A Yes.

Q Let's now turn to the magnesium powder that was produced at your plant. What purpose did that serve?

A Magnesium powder served firstly photographic purposes, and then secondly, pyro-technical purposes; for peace and war purposes, in other words, for flares or for illuminating terrain at night, tracers, etc.

Q Did you export magnesium powder in the same way as other magnesium products?

A Yes, the production varied somewhat, but as far as I remember, during the first years approximately half of our products were exported. I think that went up to 100 tons; sometimes it was even more than that.

Q One hundred tons? At what period?

A Well, I mean 100 tons per year and not per month.

Q The list from the Reich Office for Economic Expansion, dated the end of 1942—this was Prosecution Exhibit 709 in Volume 37—shows there, that magnesium powder is designated as a so-called bottleneck production, and it is stated that magnesium powder was only produced at Bitterfeld. Is that right?

A Well, that is not quite correct. Bottleneck production does not mean that too little of the product was available, but means that it was only being produced at one or two places. The largest amount was produced by us at Bitterfeld; a smaller production was carried out at Wasserfall, and as far as I know, at Herinon—that is west of this line. I am not quite sure whether there was any powder production there.

Q What is EL41? That is a production that is mentioned in a number of production documents.

A EL41 is an aluminum magnesium powder. If aluminum and magnesium are mixed, 50 to 50, you arrive at an alloy which is easily breakable and can be ground easily, in the same way porcelain. The production of that sort of powder is more economic than the production of pure magnesium powder. Originally, we assumed that this magnesium aluminum powder at some time would become an important competitor of magnesium powder.

Q Was that already produced when you took over the plant ward or was it started at the time?

A Yes, it was already produced when I took over the plant Werd,
but at the time there was not such demand as we expected from it.

Q HY-41 was also used for armament purposes?

A Yes, it was used for incendiaries, for bombs.

Q And you had a grinding plant at Bitterfeld, didn't you, because
we have letters here from the Aviation Ministry, September 1938 and
March 1939, wherein you ask for the necessary material to build a grinding
plant for the production of HY-41. In the second letter, you propose to
construct a new plant asked by the Reich Ministry of Aviation at
Stassfurt.

A Yes.

Q What can you tell us about this correspondence?

A The reason for this correspondence was an explosion which we
experienced in the summer of 1938. I must point out that this HY-41
is not an explosive substance but it was merely a carbonous explosive.
The plant was considerably damaged at the time and we were not able to
produce for some months. We speedily repaired the plant. The Air Force,
however, in order to insure greater safety asked us to build another plant
at a different spot. After a number of conferences had taken place during
which demands for safety were continually increased, the project Stassfurt
came about. The plant was to be constructed there. I think it was an
expenditure of 800,000 marks, but it was never actually operated because
the Bitterfeld plant which had been repaired could meet any demands.

Q.- Witness, was any powder for guns produced at Bitterfeld anywhere?

A.- No.

Q.- Witness, a French worker at Bitterfeld has maintained in an affidavit that the French prisoners of war at Bitterfeld had to produce gun powder. During this cross-examination last week, the transcript of which is not yet available to us, he said that his countrymen, the French PW's were producing chlorate. What is chlorate?

A.- Chlorate is an inorganic salt. Its purpose was to kill off weeds for the Reichsbahn in order to keep the terrain free for the trains and get rid of surplus grass. Part of it is being used for the production of matches for an explosive substance and another part for mining purposes. It is not an explosive in the sense of gun powder. During the First World War, in Germany, however, it was used for explosives, and then it was called perchlorate.

Q.- That was the First World War?

A.- That was the First World War, yes. At the time the Frenchmen had an ammonium perchlorate which is also produced from chlorate. I remember that at one time a French armored ship was exploded during the First World War and that that was explained by the fact that grenades were filled with perchlorate. I can well imagine that the man knew of that incident and thought that the chlorate was serving the same purposes. As far as I know, during the entire last war, that was not used.

Q.- Would you please speak somewhat slower, witness? Did you have any foreign workers in the plants which were under your charge during the war?

A.- Yes.

Q.- With respect to that question, can you tell me what Dr. Buergin's attitude was towards the treatment of foreign workers, and what he told you in that respect, and what you observed about his attitude?

A.- I know Dr. Buergin's utterances from attending the directorate

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meetings, from the Aufsichtsrat, and I also know what he told me personally and what he said in smaller circles. Dr. Buergin at all times maintained that the foreign workers were to be treated in the same way as the German workers. I am not saying that in order to emphasize it particularly. For us that was dictated by necessity, because the foreigners were not only given work for common laborers but extensively were active independently in the factory. They were serving their machines and apparatus in the same way as skilled German workers. We, therefore, had to be able to fully rely upon them and we did not deceive ourselves in that confidence. I know of not one case of sabotage throughout all these years. Dr. Buergin was well aware of the fact that the output of foreign workers would never come up to that of German workers. However, he always maintained that higher output could be achieved by giving a certain incentive to these people. He always said that it was a big mistake that Russian workers, for instance, were only getting part of the money which we had to pay out for them. The other part, I think, was delivered to some office as an adjustment payment or something like that. Later, however, that situation was improved. But in our opinion, the money they received was still insufficient.

Q.- Witness, I have one specific question which concerns you. A telegram from a commander of a concentration came by the name of Pister and it was submitted by the Prosecution. This telegram was sent to Amtsgruppe D at Oranienburg, which was probably an administrative office of the concentration camp, dated 13 July 1944. It concerns the commitment of 750 concentration camp female inmates for construction auxiliary work at Bitterfeld. A conference with you is mentioned in that telegram at Pister. Do you remember that incident?

THE PRESIDENT: You may answer.

THE WITNESS: Yes, I remember that matter. In my opinion, this only concerns a telephone conversation which I had in the summer of 1944, as

far as I remember. When Dr. Baergin happened to be absent, I was telephoned by a non-commissioned officer of the SS who told me that he had heard from the Wolfen-Film that we at Bitterfeld were still needing a large amount of workers. He said that he could let us have 500 female inmates of the concentration camp without any difficulty. At that time, I was not inclined at all to the employing of inmates from a concentration camp at our plant. However, I could not reject that offer basically. I asked him for the conditions under which these people were to be employed. I was told that 500 represented a certain minimum which we had to employ; anything lower than that wouldn't be worthwhile. I was told that the inmates were to be employed in larger groups; that they were not allowed to work together with others; and that in addition, certain demands were made with respect to housing, etc. I was mostly disturbed, however, by the fact that the supervisory persons who came along were women and that we had to transfer our own female workers to the SS for that purpose: one woman for about 30 or 40 inmates. I was not willing at all to exercise such pressure upon our own female workers, and I therefore rejected the entire offer by saying that an amount of 500 did not come into question. I said also that we didn't have sufficient housing facilities as was asked.

Q.- Did you report to Dr. Baergin about that incident?

A.- A few days later when Dr. Baergin returned I told him about the incident and he gave me his full approval. It was important for me to inform him about it because the labor office could have reproached us with having rejected workers.

Q.- As far as you know, were concentration camp inmates at any time employed at Bitterfeld or Wolfen-Dyestuffs?

A.- No, never.

Q.- Neither before nor afterwards?

A.- No, neither before nor afterwards.

Q.- I must now ask you about this incident of the hanging of Russians, which apparently had taken place during the same year. The French worker of whom I spoke earlier — I beg your pardon — let me state that the just mentioned exhibit was the telegram of the camp commander Pister, Exhibit 1397, Book 70, on English page 145. To come back to the hanging of the Russians, the French worker, Balandier, stated in his affidavit, Exhibit 1398 in Book 70, and I quote: "Russians were several times hanged in this camp. That was done on the occasion of a ceremony which the others had to attend. The gallows were set up in the middle of the camp. The reasons of the execution were political views. What do you know about this incident?"

A.- That is wrongly described. Only at one time were Russians hanged.

Q.- You know of only one single time? You don't know about many occasions?

A.- I am quite sure about the fact that it only happened one single time.

Q.- Well, tell us about it.

A.- This incident took place when Dr. Buergin was either on a trip or on a vacation.

Q.- Can you give us the time?

A.- As far as I know, that was in the summer or fall, but I can't remember exactly.

Q.- Do you know where Dr. Buergin was at the time or whether he was absent for a considerable period?

A.- I am not quite sure. It may be that he was on vacation, and I think if it was in July, he probably was on a vacation.

Q.- Continue describing the incident.

A.- One afternoon I was telephoned by an official of the Gestapo from Halle. I was telephoned because I was Dr. Buergin's deputy. He informed me that a resistance movement had been uncovered going on among eastern

workers in industry and sabotaging incidents had occurred.

Q.- Let me interrupt you. Where was that discovered?

A.- He didn't tell me that. At any rate, it wasn't at our place because nothing happened at our place.

THE PRESIDENT: Counsel, before you go into details about that, we better take our recess. We will rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Just a moment, counsel, until I make a bit of record. I am afraid, Dr. Hoffmann, I owe you an apology. I forgot my promise to make this record and I hope I have not inconvenienced you too much by keeping you here. I refer to the application of the Prosecution for the production of documents which were filed and processed on 26 February. The record may show that on yesterday, the 5th of March, Dr. Hoffmann filed an additional affidavit of his assistant counsel Alt which bears the date of March 5th and that it is the understanding of the Tribunal that this closes the issue on the matter of the Prosecution's affidavit and the responses that have been filed on behalf of the defendants and by Mr. Alt. The Tribunal will, as speedily as possible, come to a conclusion with respect to the matter and make a ruling and will not expect any further showing to be made unless the Tribunal concludes that such would be proper. You may continue, counsel.

BY MR. THORALD:

Q Witness, we were discussing the incident of the handing of the Russians and you have said that to your recollection this happened in the summer or fall of 1944 and that Dr. Jorgin was not present in Bitterfeld. Can you describe this incident fully now?

A I was called up by a Gestapo official from Halle. He told me that in Eastern worker's camps in industries a resistance movement had been detected and the leaders had been arrested and had been sentenced to death by a Court and that he had been ordered on the next day to carry out six executions in Bitterfeld in the presence of our Eastern workers in order to set an example. I was very much disturbed by this message and for the time being I tried to head this matter off.

Q Why did he inform you of this order?

A He also told me and I have just forgotten to mention this, that the Gestapo was not set for carrying out executions outside, therefore, he asked me that the plant erect a gallows and subsequently see to it that the executed persons would be taken away. Everything else would be

taken away. Everything else would be taken care of by the men that he would bring along. I was very much disturbed by this request and I rejected any co-operation in the execution on the part of the plant. I also tried to explain to him that the whole matter was a big mistake, since we had to rely on the good co-operation with our foreign workers, and I was afraid that this co-operation would be very much disturbed if such an event would take place in Bitterfeld. As far as I remember, two or three telephone conversations took place because not all of the facts were available right away. Since the official did not like my basic rejection of this, he finally told me very angrily that he would report to his superiors about my very strange behavior.

Q Witness, if I understand you correctly, you rejected any co-operation of Bardon in this respect?

A Yes.

Q And that you rejected the request for the erection of the gallows and the carrying away of the bodies?

A Yes.

Q What happened then?

A I pointed out to the officials that it isn't our task to do anything like that. He should go to a funeral institute or a carpenter firm. Furthermore, I told him in the final conversation that I was well aware that I had to support the police as a German, if it is a matter of arresting criminals, but not in executions. In the last conversation the official told me that the matter was closed, that it had given the order to Bitterfeld Firm. On the next day the execution actually took place. I did not comply with the request to attend it, but Mr. Aust and several gentlemen from our counter-intelligence organization and the Directors of the Fire Department and of the Plant Protection Guards, which were auxiliary policemen, had received an order to attend and Mr. Aust then reported to me that the gallows had been erected in front of the camp but that instead of six, five people

had been executed, among them a woman.

Q In other words, Farben did not participate in the execution of a yellow or any act which was in any connection with this execution?

A No.

Q And you say that Herr Aust, the leader of the Plant Protection Corps and the Director of the Fire Department, were forced as auxiliary policemen by the Gestapo to attend?

A Well, at any rate, Mr. Aust told me he could not reject it because he had received a direct order to do so.

Q Did the executed people belong to your Eastern workers or could you find out where they belonged?

A No, certainly they did not belong to our workers because it wasn't known that anything had taken place in our plant and it wasn't known that people had been arrested there. They had been brought in from the outside and it was merely a matter of showing the Eastern workers what consequences would result if there was any resistance.

Q You did not find out from where the Eastern workers came from?

A No, I tried to find out in our Social Welfare Department whether anything was there known about names but I couldn't find out.

Q Witness, did you report this incident to a superior and did you make sure your conduct was correct?

A I reported to Dr. Baergin orally about the incident in detail, and I did not feel too comfortable about the matter at that time.

Q Did he agree with your conduct?

A Yes, fully.

Q Dr. Meng, yesterday the Prosecution introduced Exhibit 1694, which is a letter of Farben in Bottorfeld on 14 July 1944, signed at the right corner by Mr. Froi and on the left corner by you, addressed to Dr. Baergin in Donaueschingen. This shows that the incident evidently took place in June, shortly before July, and this letter which contains a lot of details about manufacture and other matters also mentions a note of several lines roads and I quote: "In the

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Eastern worker's camp the State Police executed six Russians because of
Bolshevistic activities by hanging." Did you write this letter or did
you sign it or did you write the text?

A I do not remember this letter at all and I am convinced I
didn't write it. May I see it please?

Q Well, I will repeat my question. Did you write this letter or did you just sign it?

A This is a report such as Mr. Frei regularly was accustomed to sending to Dr. Burgerin when he was on furlough or when he was on a trip. Important documents were usually included.

THE PRESIDENT: Mr. Witness, can you answer as to whether you wrote the letter or signed it?

A I merely signed it.

THE PRESIDENT: Very well; that answers it.

Q Who was Mr. Frei?

A Mr. Frei was the secretary of Dr. Burgerin and it was his task to keep his chief informed when he was absent.

Q Then I may assume that this brief message in this letter was not the only message about this incident.

A No, no.

Q An oral detailed report followed?

A Yes. It would have seemed strange to me to report the matter in writing in detail. It was too delicate.

Q Now, this brief description in the letter deviates somewhat from your present statement where it says "in the Eastern workers camp."

A According to the message of Dr. Aust, it was in front of the Eastern workers' camp. That is as I remember it. Mr. Frei only had this information from hearsay and I probably overlooked this and didn't attach any importance as to whether "in" or "before" or "in front of".

Q Thank you; no further questions.

THE PRESIDENT: Anything further from the defense?
Then the Prosecution may cross examine the witness.

CROSS EXAMINATION

BY MR. SPEICHER:

Q Starting with these Russians, witness, were they hung in front of the workers of I.G. Farben as well as the workers from the other plants who were housed or billeted in this eastern Eastern workers camp?

A In the Eastern workers' camp? Yes, in front of the Eastern workers who were housed in the Eastern workers' camp.

Q My question was, were the I.G. Farben workers there, too, at the time of the hanging?

A Oh, you mean our own German workers of Farben?

Q I.G. Farben, Russian, foreign workers.

A Yes.

Q Now, you said you had prisoners of war working under you. Approximately how many worked under you?

A In the North plant we had about 1400 workers and in my estimate there were about 500 foreigners; that is to say, prisoners of war and foreign workers.

Q Did the number of prisoners of war as against other types of foreign workers fluctuate considerably between 1941 and 1944?

A Towards the end we had less prisoners of war than we had towards the beginning of the war. That was because, for example, Italians were civilianized and also because Russian prisoners of war were sent away from our plant again.

Q Now, did these workers work under -- did these P/Ws work under guard or did they have freedom of movement within the plant?

A The prisoners of war were brought in by guards but within the plant area they had a large amount of freedom of movement. There were always guards nearby.

Q Did any of them do skilled work?

A At the moment I cannot tell you that with certainty. I merely know that a large number of them worked on construction and that was because they could be better guarded that way. Whether prisoners of war worked in the plant itself I know of no one at the moment -- not with me. I saw other prisoners of war in other plants where they unloaded and loaded supplies but I don't know whether they did any skilled work.

Q In requesting foreign workers, isn't it a fact that Bitterfeld preferred usually to get prisoners of war rather than other types of foreign workers?

A I am not aware of that.

Q Did you have the experience that the Slovak workers, particularly, broke their contracts and that you had to get a lot of replacements for Slovak workers who returned AWOL to Slovakia? Do you remember that?

A No. The Slovak workers were considered good workers and in the beginning we had a large proportion of Slovaks. Later new ones arrived and Slovaks went back home who had completed their time but I do not know that they had left to a great degree.

Q Did you have a Gefolgschaftsabteilung at Bitterfeld?

A Yes, in the Bitterfeld South plant which represented the interests of the South and North plants and which were under the Wolfen plant.

Q Did that Gefolgschaftsabteilung take care of the workers generally?

A Yes.

Q Did it make any distinction between foreign workers and German workers so far as you know; that is to say, whether or not it took care of them in some way or other?

A Well, they were taken care of about equally.

Q Well, let me ask you this: was a foreign worker also considered a part of the Gefolgschaft?

A Well, that depends in what respect he was considered a member of the Gefolgschaft; but, of course, not in all respects. He was only there temporarily and, therefore, he was not included in certain respects in which Germans were included; for instance, payment and quarters did not apply to him.

Q Now, you joined the NSFK, the National Socialist Fliegerkorps, the Flyers Corps, in 1933, the same year you joined the SS, did you not?

A I was a promoting member of the NSFK, yes.

Q Did you participate in their activities?

A No.

Q In any of your positions or affiliations in the Party were you ever asked to intervene in order to protect defendant Buergin from any attacks by the Party?

A No.

Q No further questions.

THE PRESIDENT: Anything further with this witness? The Tribunal is about to excuse him.

DR. THEOBALD: No further questions, your Honor.

THE PRESIDENT: Then, Mr. Witness, you are excused from further attendance.

What is your further pleasure, Dr. Schubert?

DR. SCHUBERT (Counsel for defendant Buergin): Your Honor, I have several documents which I would like to introduce, first of all, from Document Book III on page 76, Document No. 67. This is the affidavit of Karl Hermann Heber, the witness whom we heard here, and the affidavit goes far beyond the examination to which I submitted the witness here

in court and, therefore, I would like to introduce this affidavit as Exhibit 42.

Then I come to my document books V and VI.

THE PRESIDENT: If you will pardon me, Dr. Schubert, that completes your Book III, does it?

DR. SCHUBERT: Yes, your Honor.

In Volume V the first document is No. 54 which is to become Exhibit 43, an affidavit of Tschertor about the treatment of foreign workers in Bitterfeld. Tschertor especially refers to Buerger's liberal and humane attitude.

The next document, No. 11, which I introduce is Exhibit No. 44 -- rather, I withdraw it.

THE PRESIDENT: You mean by that it is not your plan to offer this document?

DR. SCHUBERT: No, Your Honor; this is not to be offered.

THE next document is No. 55 which will become Exhibit 44. It is an affidavit of Dr. Karl Hanck. This affidavit shows that Baugin avoided all severe measures about increasing the work and that he saw to it that for example air raid shelters be built for the foreign workers.

The next document, No. 21, will become Exhibit 45. This is a letter by the plenipotentiary general for special requests of chemical production to I.G. in Bitterfeld about the allocation of Belgian and French installation construction work squads, from 1942. I quote from this document about the wage scale for foreign workers on page 31. I quote:

"The foreign workers are to be treated like comparable German workers."

The next document, No. 51, I offer as Exhibit 47. This is an affidavit of a man by the name of Drobos.

THE PRESIDENT: I am sorry, Doctor, but did you not omit a number?

DR. SCHUBERT: I beg Your pardon Mr. President, it is Exhibit 46.

THE PRESIDENT: Then Document 51 is Exhibit 46?

DR. SCHUBERT: Drobos especially refers to the careful selection and training of foreign workers.

The next document, No. 47 will become Exhibit 47. It is the affidavit of Siebel about the employment of foreigners as chemists, engineers, metallurgists and craftsmen in the scientific laboratory in Bitterfeld.

The next document, No. 53, is offered as Exhibit 48. It is the affidavit of Kurt Schneider about the employment of foreign workers in a certain Bitterfeld plant.

The next document, No. 60, is offered as Exhibit 50—or, rather,

THE PRESIDENT: You mean by that it is not your plan to offer this document?

DR. SCHWERT: No, Your Honor; this is not to be offered.

THE next document is No. 55 which will become Exhibit 44. It is an affidavit of Dr. Karl Mandky. This affidavit shows that Bauglin avoided all severe measures about increasing the work and that he saw to it that for example air raid shelters be built for the foreign workers.

The next document, No. 21, will become Exhibit 45. This is a letter by the plenipotentiary general for special requests of chemical production to I.G. in Bitterfeld about the allocation of Belgian and French installation construction work signs, from 1941. I quote from this document about the wage scale for foreign workers on page 31. I quote:

"The foreign workers are to be treated like comparable German workers."

The next document, No. 51, I offer as Exhibit 47. This is an affidavit of a man by the name of Drobos.

THE PRESIDENT: I am sorry, Doctor, but did you not omit a number?

DR. SCHWERT: I beg Your pardon Mr. President, it is exhibit 46.

THE PRESIDENT: Then Document 51 is Exhibit 46?

DR. SCHWERT: Drobos especially refers to the careful selection and training of foreign workers.

The next document, No. 47 will become Exhibit 47. It is the affidavit of Siebel about the employment of foreigners as chemists, engineers, metallurgists and craftsmen in the scientific laboratory in Bitterfeld.

The next document, No. 53, is offered as Exhibit 48. It is the affidavit of Kurt Schneider about the employment of foreign workers in a certain Bitterfeld plant.

The next document, No. 60, is offered as Exhibit 50—or, rather,

~~8594~~
8595

Exhibit 49. It has already been discussed yesterday by the witness, Jans who identified the photographs contained in this affidavit.

Document No. 22 is offered as Exhibit 50. This is a letter from the administration of the Marie Cosmopolitan Camp to I.G. Bitterfeld which shows that the number of beds available was much greater than in the eight working camps in Bitterfeld.

Then comes Document No. 82 which is offered as Exhibit 51. This is the affidavit of a former camp leader, Hebelung, from which I wish to quote the following sentence from page 58: of the document book:

"The management always accepted without regard to expense all suggestions which were good, useful and advantageous to the camp inmates, a policy which was particularly due to Dr. Georgin."

The next document No. 60 which I offer as Exhibit 52. This is the affidavit of a former administrator of the Bitterfeld plant, Thierber, who testified particularly about the facilities in the barracks and who states that no children were employed in Bitterfeld or in Wolfen-ferden.

Document No. 7 will become Exhibit 53. This is an affidavit of Karl Zebbel who also talks about the working security and about the intervention of the German labor front in the camp administration.

The next document, No. 26, is offered as Exhibit 54. This is an announcement of I.G. Bitterfeld, also from the year 1943 about transferring wages of foreign workers.

Document No. 35 will become Exhibit 55. This is a circular letter of I.G. Bitterfeld, also from 1943, which shows that annual bonuses were given to Eastern workers.

The next two documents are concerned with health measures in Bitterfeld; First of all, Document No. 27 which I offer as Exhibit 56. This is an announcement of I.G. Bitterfeld about mass X-ray examinations of all workers including foreigners. This was in 1944.

Then follows Document No. 28, as Exhibit 57, an announcement of I.G.

Bitterfeld from 1944 about medical consultations, especially for foreign workers.

The next three documents are concerned with vacations for foreigners; first of all, Document No. 29 which I offer as Exhibit 58. This is a circular letter of 1942 by I. G. Bitterfeld about certain questions of vacations and about trips home for families for single and married foreigners.

Document No. 30 will become Exhibit 59. This is an announcement of I. G. Bitterfeld from 1943 which shows that in the summer of 1943 a considerable number of special workers' leave trains went to various European countries.

Document No. 31 which will become Exhibit 60 is a circular letter of I. G. Bitterfeld in the year 1944 about home leave for families and I would like to quote one sentence from this on page 86. It says there:

"We draw particular attention to the fact that uniform regulations will henceforth prevail for Germans and foreigners in the manner described above."

This concludes my Document Book V.

I now turn to Document Book VI which also concerns itself with problems for the workers: the first documents about the care for the foreign workers. Document No. 48 is offered as Exhibit 61. This is the affidavit by Dehneke, former buyer of provisions for the workers' camp in Bitterfeld who also points out among other things that Farben bought additional supplies for the care of foreign workers.

Document 57 will become Exhibit 62. It is an affidavit by Schmidt who was the successor of the previous affiant Dehneke in Bitterfeld. He, too, speaks about the buying of additional supplies and emphasizes especially that this happened at the request of Dr. Baergin.

Document No. 12 becomes Exhibit 63. It is an affidavit by Heilgenrath who refers to Baergin's kind attitude of benevolence towards foreign workers.

Document No. 32 which I offer as Exhibit 64 contains merely as a sample a number of menus of the Erie Camp from the year 1942.

The next document, 33, has already been offered by me as exhibit 39.

Document No. 34 will become Exhibit 65. This is a circular letter of I.G. Bitterfeld from 1940 which shows that the personal and cultural needs of foreign workers were also taken into consideration and a special kitchen was installed for Italian workers for their special dishes.

The next two documents concern themselves with the leisure time occupation. Document 36 will become Exhibit 66, and it has also been taken from a number of programs. It contains a program for a boxing match and sports day for French workers in 1943.

Document No. 37, which becomes Exhibit 67, is the program for a Sports Day for foreign workers, with sports contests for all foreign workers, in the year 1944.

The next three documents concern themselves with the worker Rene Palandier, who has made an affidavit for the Prosecution and who has been cross-examined here recently.

Document No. 23 is to become Exhibit 68, and it contains the personnel file of the worker Palandier, which shows his occupation and which states that in 1943 he received more than 1700 Reichsmarks, as wages, and in 1944, he earned more than 2,200 Reichsmarks.

Document No. 24 will become Exhibit 69. It is a card about the savings of Rene Palandier, and it shows that from January, 1943 to July, 1944, Palandier sent home 1360 Reichsmarks to France from his savings.

The next document, No. 25, was used by me recently during the cross-examination of Rene Palandier, and I had it identified then as Exhibit 1. I now offer it as my Exhibit 1.

Then there are three documents which contain affidavits of foreign workers, who were then employed in the workers camps in Fittard. The first document, No. 49, is the affidavit of an Italian, Giovanni Strone. This will become Exhibit 70. This contains a description of the conditions in the camp and a personal, favorable judgment about Dr. Baergin.

Document No. 50, will become Exhibit 71. It is the affidavit of a Belgian woman, Marie Collobant. She reports about the comfortable facilities in the Women's camp, and emphasizes that Dr. Baergin made no distinction between foreigners and Germans. The next document is an affidavit of an Italian woman, Rosina Purvris, a health worker and nurse, who particularly testifies about the medical treatment of the foreign workers,

and this will become my Exhibit 72.

The next two documents 13 and 14, will not be offered.

Then I shall come to Document 39, which is the first in a series of documents about the recognition of the care of Foreign workers in the Bitterfeld plant.

Document No. 39 is offered as Exhibit 73, and it is a letter of thanks of the Italian Embassy in Berlin to Dr. Lang whom we just heard here as a witness. It is dated 6 July, 1942, and it concerns the care given to Italian workers.

Document No. 40 will become Exhibit 74. It is the communication of the Social Welfare Bureau at Wolfen to Dr. Buergin in 1943, in which it is reported about the thanks and appreciation of the Social Attache of the Croatian Legation in Berlin.

Then comes Document No. 3, which I have already offered as Exhibit 40, and then Document No. 1, which already bears the Number 41, as an Exhibit.

Then come two Documents about the Farben factory, -- the Dyestuffs factory in Wolfen. First of all Document No. 59 which is Exhibit 75, and which is the affidavit of Dr. Walter von der Heyde, and from which I wish to quote something on page 49, at the bottom:

"After the occupation of the factory by the American army, a representative of the French workers took leave of Dr. Hehsener and myself with handshakes and with express appreciation of the good treatment they had received."

Then comes Document No. 62, which I offer as Exhibit 76. From this document too I would like to quote briefly from page 56 of my document book. It is No. 10 of the document, and I quote:

"Dr. Buergin, the Chief of the Works Combines Central Garway and Betriebsfuhrer of the works Wolfen-Farben, was known to me as a particularly humane superior. In the meetings of the workers' representatives he always advocated humane treatment and all possible

alleviations of the living conditions of foreign workers, and granted all the necessary means for this purpose."

The final document, from this document book No. 10 is an affidavit of Walter Schmid, concerning the treatment of the workers at Stassfurt. I would like to quote from this document too, from page 61. It is at the bottom of the page, and reads:

"I emphasize especially that the director of the works combine, Central Germany, Dr. Buergin, attached particular importance to the proper care and just treatment of the foreign workers, and repeatedly expressed this wish in plant leader conferences and on other occasions. His expense was too great for him where it concerned the welfare of the foreigners, their needs and the equipping of their camps. He was very anxious that the lot of these coworkers should be made easier for them by our help and understanding, and that when they returned to their homes they would gladly recall the time spent at the camp."

JUDGE DEWIS: The exhibit number is what?

DR. SCHUBERT: No. 77, Your Honor.

There remains only something from my Document Book 1. I would like to offer Document No. 16, on page 19 of the Document Book, as my Exhibit 78. This is the affidavit of Dr. Bernhard Schoener, about the production of the Furber factory at Wolfen. Dr. Bernhard Schoener is the witness whom I originally wanted to call in, but from whom I just merely submit the affidavit.

This concludes my presentation and I hereby reserve the right to submit a few further documents, which have not yet been completely processed.

THE PRESIDENT: Very well, Dr. Schubert.

I believe that in line with what we said yesterday, that this entitles you to a long vacation this afternoon, but before we recess perhaps Judge Hobart may have something to say about Monday's program.

JUDGE HERRICK: We made our schedule very well, Mr. President, and accordingly therefore on Monday we will start with the case of the defendant, Bactefisch. There is one more matter which I should like to mention at this time, as we have a moment. About 10 days ago, the Tribunal filed an order with the Secretary General transferring to the Commissioner the cross-examination of witnesses whose affidavits have been introduced in evidence, as part of the case for the Defense.

We requested in that order that any cross-examination that would be desired should be held promptly and we specifically asked that list be filed with the Commissioner indicating which witnesses it is desired to have produced here for cross-examination.

I mention the matter at this time because the Tribunal is most anxious to have the cross-examination of these witnesses completed during the months of March and April, and I hope, therefore, that that matter will be given prompt attention.

I think that is all that I have to announce.

THE PRESIDENT: Judge Merrill have you anything to say with reference to the document situation?

JUDGE MERRILL: Document Books Bactefisch 1, 2, 3, 4 and 5 were delivered yesterday and I understand these are all that are necessary for Monday. I think by the time the others are needed, they will be available.

THE PRESIDENT: Have you anything to say, Judge Morris?

JUDGE MORRIS: I have no further questions on extrusions.

THE PRESIDENT: Any announcement from the Defense or the Prosecution now before we recess?

MR. SPEICHER: Mr. President, there is one matter that is making a little difficulty for the Prosecution, in connection with the fulfillment of your order, which I think can be cleared up rather readily. You asked in that order that the party desiring the examination, -- which I take it will usually be the Prosecution, -- should furnish the address of those affiants.

Now since many of the affidavits do not give the address, we are in a rather bad shape and I would like to request you to revise the order in that connection. That is my first point.

THE PRESIDENT: That was a mere inadvertence. Of course the Defense should be better informed than anyone else with reference to the whereabouts of these witnesses, and this may be considered a notification of that order in this respect, that the counsel for the Defense, ~~will~~ be expected to provide information that will locate the witnesses.

MR. SPENCER: Now, Mr. President, we are sorry that we have not been more active about giving such tangible evidence. I kept on this matter, but with our staff some of them having been sick the last days, it has been difficult, but beyond that we are now in a position to advise a number of people whom we originally would have called, or even whom we would have called about two weeks ago. But virtue of the fact that during the cross-examination of witnesses who are called, we have been able to clarify our position sufficiently so far as the record is concerned, so I do not feel that we have lost too much ground in that connection.

I will serve upon the Commission this afternoon a request for the first affiants to be called in, since your Honors are not having a full 6-day week.

THE PRESIDENT: If there is nothing further the Tribunal is now in recess until next Monday morning at 9 o'clock.

(Tribunal in recess until 0900 hours 8 March 1946)

1948
8 March-M-BK-1-1-Stewart (Int. von Schon)
Court VI, Case 6

Official Transcript of Military Tribunal VI, Case VI,
in the matter of the United States of America, against
Karl Krauch, et al, defendants, sitting at Nurnberg,
Germany, on March 8, 1948, 0900 hours, Justice Shake
presiding.

THE MARSHAL: Persons in the Courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal VI. Military Tribunal
VI is now in session. God save the United States of America and this
Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, will you ascertain if all of the defend-
ants are present in the Courtroom?

THE MARSHAL: May it please, Your Honor, all of the defendants are
present save the defendant Haeffliger, who is absent due to illness.

THE PRESIDENT: Are there any necessary announcements from the Defense?
Anything from the Prosecution?

MR. SPACHNER: No, Mr. President.

THE PRESIDENT: Let me say to you gentlemen that we are starting a new
week. We made very good progress last week, and we hope we may have the
same experience in this and the succeeding weeks. Just to remind you
all that the more promptly and speedily you conclude the presentation
of evidence, the more time you are going to have available for working
on your briefs and arguments.

The Defense may continue.

DR. FLADKESHER (Counsel for the defendant Buefisch): Your Honors,
the presentation of evidence for the defendant Buefisch is planned
as follows: With the aid of documents and direct examination of my
client, the individual points of the indictment will be dealt with. This
case is made more difficult by the fact that the case against my client
is not very precise. Because Mr. Buefisch was a technical expert and
a man with a very large field of work, he was included in a number of
general accusations by the Prosecution, which are not limited or
described in the trial brief, and therefore, in view of the abundance
of the material, it is the duty of the Defense to determine what must

be answered and what can be omitted. Certain special fields have been divided among the various defendants, and in the case of Professor Kirsch, Dr. Ter Meer and Dr. Schneider, the Defense has decided that one point or another will be left to other defendants.

According to this distribution the activity of Farben in the mineral oil field has been left to my client. As far as there is overlapping with other fields, I shall make my case as concrete as possible in order to avoid unnecessary repetition. In order not to burden the time of the Tribunal unduly I have asked my client to make the description of his career and personal circumstances in writing in the form of an affidavit. The Tribunal will find this in Book 2, of my document books. It is the first document. It is Bueterfisch Document 200, which I offer as Exhibit No. 2. Exhibit No. 1 has already been assigned during the Prosecution's case, when I offered the affidavit of Dr. Maltz.

The Bueterfisch affidavit, Document 200, the career of my client, will be Exhibit No. 2.

I should now like to call my client to the witness stand in order to begin his direct examination.

THE PRESIDENT: Dr. Bueterfisch may take the witness stand.

Doctor, will you please remain standing for the purpose of being sworn?

HEINRICH BUETERFISCH, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q State your name for the record.

A Heinrich Bueterfisch.

Q Repeat this oath after me: I swear by God, the Almighty, the Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

HEINRICH BUSTEFISCH

BY DR. FLAEGHSNER:

Q Dr. Bustefisch, how old are you?

A 54.

Q Will you please tell the Tribunal how you came to Farben?

A After finishing my studies in 1920, upon the recommendation of my teacher Professor Max Bodenstein, the famous physiochemist, I went to Badische Anilin & Soda Fabrik Factory in Ludwigshafen. At first I worked for Professor Mittasch in the laboratory. After some time I was transferred to the Leuna Plant, and then I remained there in the Leuna Plant.

Q What positions did you hold within Farben?

A First of all, as I said, I was working in the laboratory for Professor Mittasch. Then at Leuna I was a chemist in the ammonia factory - that is the factory of the synthesis of nitrogen. In 1924 I took over the management of this ammonia factory. Then in the following years I became Department Chief.

In 1928 or '29 - I am not sure, I don't have the figures here - I was appointed Prokurist, and at the same time assigned as an Assistant to the Directorate. In 1931 I became Deputy Director of the Leuna Plant. In 1934, I was appointed to the Vorstand of I.G. Farbenindustrie.

Q Since 1934 you said you were in the Vorstand?

A Yes.

Q How long have you been a regular Vorstand member?

A Since 1938.

Q This was a rather rapid rise in Farben. Did that have anything to do with political activities?

A No, I was not politically active.

Q But you were a member of the Party?

A Yes. At the end of 1938 I joined the Party.

Q Only after you were appointed a regular Vorstand member?

A Yes, there was no connection.

Q Now in the beginning of 1939, you had a rank as Honorary SS Officer?

A Yes.

Q We will clarify the point later. Did you perform any service?

A You mean in the SS?

Q Yes.

A No.

Q Did you wear a uniform?

A No.

Q Did you have any authority or were you under any command?

A No, in no way.

Q Now to come back to your profession. In the years from 1933 on, who were your superiors?

A In 1933, in the Louna Plant, it was Dr. Dohnel and Dr. Schneider. Dr. Dohnel was plant leader, and Dr. Schneider was in charge of the technical matters in the Louna Plant, together with me. In 1935 or '36 Dr. Dohnel left and Dr. Schneider became Plant Leader, so that from that time on, I had sole charge of technical affairs and I may remark that of course there was no strict differentiation in the technical management. We helped each other and perhaps later I will come back to that point. There was no other way from an organizational and technical point of view.

Q.- Dr. Bustefisch, we will have to go into that in more detail. Now I want to have these points clarified very briefly. Did you live at Leuna during this entire period?

A.- Yes. From 1920 until 1945 I lived in Leuna, and my family lived there too.

Q.- When did you leave Leuna?

A.- I recall that at the end of April, 1945, Leuna was occupied by the Americans. In the beginning of May, some American officers came to me, and said that I was needed for a technical interrogation elsewhere, and a few days later I was taken to Paris by plane. I have been under arrest since that time.

I was sent to Versailles, where I met some Farben men, and also my former associate, Dr. Ringer. From Gragne — that was the name of the town near Versailles — I then went together with these men to Kramsberg near Frankfurt. I stayed there until I was brought here to Nurnberg.

Q.- How did you stay in Kramsberg all of this time?

A.- No, — that's right. There was one interruption. I believe it was at Christmas, — around Christmas, 1946 — I was called for a technical interrogation to London. There I was interrogated by men of the ICI, — Imperial Chemical Industry, — and also Sir Hartley, whom I remembered as a former President of the World Power Conference.

Q.- If I understand you correctly, since the 11th of May, 1945, you have been under arrest?

A.- Yes, and during this time I had no material from my files, for my interrogations, but everything that I was asked I had to supply from memory, or a few notes. I tried all of this time to get my files from Leuna but I was told that they had partly been destroyed, partly confiscated by the Americans or English, and partly by the Russians, that there was nothing available.

Q.- To come back to your position within Farben, will you please tell

the Tribunal what Boards, what Committees within Farben you belonged to?

A.- I have already said that in 1934 I became a member of the Vorstand, - a Deputy member. Before that, however, as far as I recall, during the time when I was appointed technical director, Deputy Director, I also attended meetings of the technical committee, the TGA, from 1934 on. According to the provisions of the By-Laws I attended the working committee meetings. I did not consider myself a guest, and I attended the TGA meetings and the Vorstand meetings regularly.

Q.- Now, Dr. Buetefisch, the Prosecution has said that an Organizational Chart, RI 10029, as Prosecution's Exhibit 47, - Mr. President this is in Document Book 69 - gives a true picture of the organization of Farben.

Dr. Buetefisch, does this organization chart, in your opinion, give a true picture of the organization of Farben in its inner significance?

A.- I believe this is the technical organization chart. In my opinion, this chart, as such, is doubtless correct, but if Farben were to be managed or directed according to this chart, then, without knowing the inner circumstances, one would be doomed to failure.

In the course of my work, I was very often able to work with the heads of many other chemical and mineral oil companies, for instance, Standard Oil, Dupont, Imperial Chemical Industry, Kuhlmann, etc. The question of the organization and the method of working of a big chemical concern always played a very big part in our discussions. Everyone wanted to know how such an organization is set up, to get the greatest possible output and efficiency from it, and I must observe that all of these concerns had entirely different organizations. Such a thing simply cannot be put into a definite mold, but there are basic differences.

The basic difference for example between a firm like Dupont, which has a great deal in common with us, and I.G. Farbenindustrie is very great in the Vorstand, in the technical organization. For example, in Dupont, the

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Vorstand was not divided among the plants, but was located at a certain place, and from there it directed the enterprise, and for example one sort of production, in order to make it very concrete, is sulphuric acid. This product is under the charge of one set of offices of Dupont for all plants. In Farben it was different. In Farben there was no central administration. The Vorstand did not meet daily, did not work in the same building and exchange experiences, but here the Vorstand members were for the most part, and I of course am speaking of the technical organization, divided among the plants.

Professor Bosch had from the very beginning considered it valuable for the individual Vorstand members in the technical department, not to become alienated from the plant. They were to have constant contact with the plant, and were, therefore, to know all of the technical details, and be able to direct it. One can do it one way or another and that depends on the purely organic development of an enterprise.

Q.- Dr. Bueckfisch, would you please describe this a little more concretely and go into the differences between the Sparten?

A.- If one now considered Farben, then it is no doubt built up differently from a concern like Dupont, for example, or ICI. That means, however, that considering this organic structure of I.G. Farbenindustrie, there, of necessity, had to result such an organization. For example, if I operated according to this chart which you mentioned, which is mentioned in this document, Sparte I and Sparte II -- that is Sparte with the basic idea for technical development within Farben, at least after '35 or '36, perhaps even earlier, -- that Sparte I and Sparte II, in the organizational structure, cannot be compared at all.

Sparte II is an absolutely heterogeneous concept considered from the point of view of its production, as mentioned by Dr. ter Meer. It has a large number of products, to mention only dyestuffs, pharmaceuticals,

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light metals, plastics and so forth.

In Sparte I the situation was different. We had a homogenous, technical sector of development, that is chemistry from coal, - synthesis of substances from coal. Therefore in Sparte I we had a more uniform organization, and therefore, and entirely different setup. In other words, the organization depends upon the expediency of its products, and also its commercial interests.

It was entirely different in the commercial sector, on which I am not an expert, because Sparte One had very little to do with purely commercial interests. I might almost say nothing at all. I shall come to nitrogen and methanol products later; they were sold by Sparte Two. Mineral oil products were sold by the foreign companies or a company in which we had an interest, but as a Sparte we had nothing to do with these sales.

Q Dr. Bueterfish, to come back to the organization and the connection between the various component parts of Farben, I should like to ask you: Were the various Farben plants without any connections? Or were they only connected by the TGA or the Vorstand? Will you please tell the Tribunal how the individual plants were connected and how they worked with one another?

A If the individual plants and forms of production had had no connection then their incorporation into I.G. Farben industry would have had no purpose. Then it would not have been a community of interests. What does the name "community of interests" mean? I personally hold the point of view that this community of interests was in the technical field. Of course the foundation of such a concern is the individual plants. They have to be developed and they have to produce, but within Farben it was so that these plants and departments heard what was being done in the other plants. They heard that in the many technical commissions, which Dr. Ter Meer has mentioned where the technical men from the various plants met. There were solvent committees, detergent committees, dyestuffs committees, and so forth. And every plant heard and knew about these commissions they said: "I am interested in these products. We will send some men to inform themselves."

What did this lead to? I shall give only one product by way of example--detergent raw materials or artificial fibers. In the plants of Sparte Three, for example, or Sparte Two, the chief chemist might be a specialist in that field of how to make such a product. He needed raw materials. He knew that; he was a chemist. For example, methanol or phenol. But how these raw materials are made--he had no interest in that. And now, for example, Leuna came into the picture and said: "Raw materials for production of plastics or detergents? We produce them in such a way and for such and such a price. So on this level there was an exchange of technical experience within Farben."

The technical management -- and I should like to include myself in Leuna--received knowledge of such matters. I had to study such questions, and in the last analysis I had to decide, together with my colleagues: We can supply this raw material; we can produce this product, or that product. In this way the individual men within the concern became more or less specialists in their fields, and that is the essential point.

I am informed in the mineral oil field, in the nitrogen field, in the methanol field about these technical problems, but I am not informed, at least not beyond the extent of a general knowledge which a chemist has to have, for example, in the field of pharmaceuticals or dyestuffs. Thus one could be free as a specialist from, for example, financial considerations, for the building of such plants. One made suggestions and knew that these matters were discussed in a Central Finance Department, carefully considered just as in the field of contracts. When contracts were necessary the questions were discussed in the Central Office for contracts from the legal point of view.

One therefore had the certainty that what one did was carefully checked from all respects so that it was in order. In my opinion that is the essential point of the organization considered from the point of view of a technical who is responsible for his field within Farben.

* Dr. Baetefish, the Prosecution now says that all suggestions, including technical ones and especially suggestions about credits, were accepted by the committees and the Vorstand without objection. Will you please tell us what you think about that point?

A --

MR. SPRINGER: Just one second. Mr. President, by not objecting to some of these commentaries on what the Prosecution claims, where they are so sweeping and given without reservation, I trust your Honors understand that we do not necessarily confess to the charge.

THE PRESIDENT: Oh, well, that is generally understood that neither side is bound by comments of counsel for the opposition. We take it for what the facts may show. This, after all, is preliminary and by way of summary could be indulged here in the starting of the testimony of a defendant.

You may go ahead, Dr. Fleischner.

A For the Technical Committee the credits were presented after, as I have described, they had been thoroughly checked. This also explains the fact that there were very few, or almost no, objections on the record because everyone on the Technical Committee knew that these matters had been taken care of.

* Who gave the general directives for the various fields of work?

A As I have already said, the problems arose generally organically from the plant, and here also arose the big tasks and the possibilities of chemical and technical development. Of course they were directed by those who were responsible for technical development, and they were in general the heads of the Sparten with their technical colleagues. And up to 1938 or '39 in broad outline Prof. Bosch was responsible for technical direction and management.

Q Bosch has been mentioned here frequently. Will you please explain to the Tribunal what you had to do with Prof. Bosch in your professional life?

A Yes. Of course I saw him in the TEA meetings and the Vorstand meetings, and I was able to learn from him how big technical problems are tackled. His attitude and his explanations were decisive for us. He was an outstanding man, and every technical expert had to realize this.

Q If I am correctly informed, after Duisenberg's death in the year '35 or '36, Prof. Bosch left the Vorstand?

A Yes, but he continued to take an interest in the technical problems as chairman of the Aufsichtsrat, but he limited himself to purely technical matters, that is, definite scientific problems. The technical men frequently saw him at this house after this.

Q Did you travel with him?

A Yes, frequently. We made trips to the Ruhr; I was in Italy with him. That was more of a vacation trip. And again and again I had an opportunity to see what an outstanding man he was. He was informed in all fields. And I have met many scientists and technical men but never again did I meet a man of the caliber of Prof. Bosch.

Q Before we go into Count One of the indictment concretely, I should like to ask the Tribunal for permission

to submit a few documents which are to support the questions that will be asked.

DR. FLAETHNER: They are in Document Book One, charts, drawings, and tables. The first I should like to offer is Document Buatafish 229. The chart has just been handed to the Tribunal. There is a certificate of Dr. Hartmann's attached. I do not intend to give any explanation of this document now because it will be referred to repeatedly in the course of the examination. This will be Exhibit 3.

The next document which I offer is 230, as Exhibit 4. That is a map of the Leuna plant. The Tribunal will find this map on the wall.

The next document, Buatafish 104, will be Exhibit No. 5. That is the certificate of three tables of figures and charts about the development of the nitrogen output, and the world consumption of nitrogen and the German consumption.

The next document is an affidavit of Dr. von Keler, Buatafish 81, as Exhibit 6.

Mr. President, in the index there is an affidavit of Schindler's mentioned before that, but that will be submitted at another point. I ask you to strike that from the index now. Document 81, an affidavit of Dr. von Keler, will be Exhibit 6.

The next document, Buotofisch 107, an affidavit of the same affiant, will be Exhibit No. 7. It shows the increase in nitrogen production capacity in all important industrial countries after 1920.

The next document which I should like to offer is Buotofisch 105, as Exhibit No. 8. This is an affidavit of Dr. Kunze. It contains the certificate of illustration of a list intended to show that the technical nitrogen products were used in almost all branches of civilian economy.

The next document is Buotofisch 80. This is an affidavit by my client himself which is offered as Exhibit 9. It contains a survey of the history of the methanol synthesis.

The next document is Buotofisch 228, a graphic illustration of the methanol production of Farben and the use of methanol for high-explosives. The Defense counsel of Dr. Schneider has already introduced this document. Should I give it an exhibit number?

THE PRESIDENT: Perhaps, since it is in your book, it would be better if you did give it an exhibit number, even though it is a duplication.

DR. FLAEGHSNER: Then I suggest that this document be given Exhibit No. 10.

The next document is Buotofisch 79, which I offer as Exhibit No. 11. This is an affidavit of Dr. Buotofisch's containing a survey of the historical development of the hydrogenation process and the application at home and abroad.

The next document is Buotofisch 20, which is offered as Exhibit 12. It contains tables and graphs certified by Dr. Simmler intending to show the effect of the depression of 1930 in reducing nitrogen production and the increase of hydrogenation in part by utilization of the idle facilities.

The next document is Buotofisch 161 to which I assign the Exhibit No. 13. It shows the price developments for imported gasoline in Germany.

The next document, Buotofisch 161 I offer as Exhibit 14-160, I beg your pardon-Buotofisch 160 as Exhibit 14. It shows the development of cost prices for Luna gasoline and also the proceeds from the sales.

The next document is Buotefisch 110, an affidavit of Dr. Maria Boering. It is offered as Exhibit 15. It contains calculations showing that by hydrogenation gasoline can be produced under normal conditions at a price of 12 to 16 pfennigs a liter.

The next document which I offer is Buotefisch 165, which will be Exhibit No. 16, an affidavit of Emil Hueth. It contains calculations for the year 1943; a cost price for gasoline was 13.6 pfennigs a liter.

The next document is Buotefisch 162, to which I assign the Exhibit No. 17. The document is a map indicating the location of the German mineral oil industry.

The next document is Buotefisch 101, Exhibit No. 18, an affidavit of Dr. Simmler giving tables of figures. It is submitted in proof that fuel consumption in Germany from 1933 to the outbreak of war ran parallel with the number of vehicles. Motorization in Germany was much smaller than abroad. It also shows that in spite of Germany's increase in fuel the import both in quantity and quality increased steadily.

The next document is Buotefisch 102, Exhibit 19. The document contains charts or tables showing the development of synthetic fuel production in Germany from 1933 to 1943. This is interesting because it shows the production of aviation gasoline. This table shows that it was only during the war that large quantities were produced.

The next document is Buotefisch 159, which I offer as Exhibit 20. It shows the percentages at which Farben participated in supplying German fuel and lubricating oil requirements.

The next document is Buotefisch 164, Exhibit No. 21, showing the special qualities of aviation gasoline and the technical processes for its production. It is drawn up by my client.

The next document, Buotefisch 103, will be Exhibit No. 22. It is an affidavit of Dr. Zorn. From the attached charts one can see how slight the proportion of synthetically produced lubricating oil compared to the total lubricating oil production. It also shows the small proportion of Farben production.

Your Honors, these are the documents applying to the discussion of Count One in Document Book 1. The rest of the documents referring to Count Three of the indictment I shall introduce later.

BY DR. FLAEBCHNER:

Q. Dr. Buetefisch, before you go into your actual work at the Leuna plant, may I ask you to tell the Tribunal what duties you had acquired during the course of the years, in addition to your duties as technical head of Leuna?

A In the year 1930 or 1931, I do not recall the exact year, I was assigned as an advisor to the nitrogen syndicate and here on the basis of my technical work in the nitrogen field I was very soon put in charge of the technical commission of the syndicate. Also, at about the same time, I was assigned by the syndicate and by Farben to attend the meetings of the International Nitrogen Convention - the Convention Internationale de L'Azote -. Here, too, at the request of the participating nations, and all nations of Europe were represented which produced nitrogen, I was entrusted with the management of the Technical Commission of this convention. I became president of the technical commission. I was elected unanimously. Further than, in the year 1934, I became Chairman of the Committee of Fertilizers in the Technical Nitrogen Syndicate, and at the request of all the nitrogen producers in Germany.

In earlier years, from 1937 - 1938 on, I was in charge of the department to check efficiency in Sparte I. Then from 1937, approximately, I was in full charge of the Technical Exchange of Experiments in the Hydrogenation field. These as far as I know - no, then came the position as technical advisor and technical member of the Vorstand of the Braunkohlen-Benzol Aktiengesellschaft from 1937 on. Also in 1937 and 1938 I was asked to preside over the Aufsichtsrat of the Badische Hydrogenation plant, a company which was owned by Standard Oil, the Shell group, and Farben, and which produced mineral oil. As far as I can recall these were the duties that I had to assume before the war; that is, the most important ones. During the war I also had to take over the planning of plants built within Farben for the Hoechstwerke plant, which was a hydrogenation plant built at the end of 1940 and the beginning of 1941. I also had all the planning for Sparte I for the Auschwitz plant and then I had a number of other minor planning duties, technical advisor for smaller plants, and for this I was also responsible for this planning.

Q Will you please tell us in a little more detail what your duties were in these various positions?

A I believe I can be brief. In the Technical Committee of the

Nitrogen Syndicate we had the duty of directing the production of fertilizer in such a way that agriculture got the most effective fertilizers. We did not approach the production price but we dealt only with the effect of the fertilizers. We worked out a special system according to which we took charge of what the farmers got. I won't go into detail on that. Mr. von Knorrim has touched upon it. That would be going too far; perhaps this is enough. I had the same duty in the technical committee of the Convention Internationale de L'Azote. Here the idea was to get understanding among all the nitrogen producers of Europe and we saw that that was not possible, but purely commercial agreements, but here the technical side had to help to find a solution. This succeeded; here again we introduced an exchange of experience and got the capacities of the individual countries so that we could work with practical figures and not assumptions. Nitrogen in Europe was not a purely commercial matter, but everything that was to be produced was based on actual figures. The other things which I had to take care of in addition to managing the Louisa plant have already been sufficiently described, but the department for testing practicability was introduced because in Sparte I we had to do everything according to strict practicability points of view. The planning of the other plants need not be discussed here, I believe, because later it will be discussed in detail.

Q You have already mentioned your work as Aufsichtsrat. Will you please tell us what companies those were where you were Aufsichtsrat?

A I can say that up in the sentence I believe. Sparte I and Farbton sent me into many Aufsichtsrat. There were all companies which had something to do with Nitrogen or mineral oil or coal, and since I represented Farbton's outside interests in this field, I was assigned to the Aufsichtsrat. Aside from technical advice in one case or another and attending the Aufsichtsrat meetings I had no special duties.

Q By the way, did you get any additional income through those positions of Aufsichtsrat?

A No, if there were any commissions those were deducted from the

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regular F-2000 income, so that there was no advantage in such work.
There was only more work.

Q This brings me to the question, Dr. Bostofish, after 1933 did your income rise considerably or did it remain constant?

A No, there was no great change. I don't have my files. I don't have the exact figures, but I know that after 1934 there were no raises in the Varetand or in the adaptations and equalizations, and during the war the income remained completely constant, and because of the increased taxes actual income was greatly reduced.

Q Very well. Now let us consider your actual work in Louna.

Can you tell the Tribunal what your main duties were in Sparto I?

A Dr. Schneider has said that Sparto I was divided in such a way that we separated technical matters from administration considerations as far as possible. Of course, as I said in the beginning, a strict separation between various fields of responsibility was not made, because in this big enterprise and this big plant we helped one another and we took a hand wherever there was something to be done. As I have already mentioned, the technical directorate of the whole plant was in my hands. In addition to this technical work, Dr. Schneider was primarily entrusted with social welfare problems and administrative questions.

Q Dr. Bostofish, would you please direct your attention to the documents in Book 1, 229 which I just offered as Exhibit 3, and 230 which I just offered as Exhibit 4, and 30 which I offered as Exhibit 12, and with the aid of these documents would you please explain to the Tribunal the work in this big field of work that was under you. Behind you you have the big chart to which you may refer.

A In Document 4 the Leuna plant is shown and also the other two documents which have just been mentioned belong organically to the explanation of this field of work. As the document "Main Syntheses of Coal" shows, the task of the Leuna plant was to carry out syntheses from coal. That was the technical task. First of all was the production of nitrogen. As can be seen from the document "The main Syntheses of Coal". This is a product which is made from coal, water and air, and it is shown at the bottom of the chart as ammonia synthesis. In 1933 the Leuna plant took up alcohol synthesis. This is the second product given on the same chart as alcohol synthesis. The third product is the one at the extreme right, "Main Synthesis of Coal", that is hydrogenation. These syntheses were introduced in 1936 at Leuna. One can see from the over all picture that all three are syntheses from coal. They were combined in the same plant, no doubt, because as the chart shows the simple syntheses of these products develop from water, coal and air, from which are made three gases: hydrogen, carbon monoxide and nitrogen. These gases are purified; these gases are compressed, and again separated and made into nitrogen and oxygen which are combined to make ammonia. Carbon monoxide and hydrogen are combined to make alcohol; and carbon and hydrogen are combined to make mineral oil. That is the whole secret, but in this secret, of course, there are many technical problems and many great difficulties. It was the duty of the chemist to solve those problems. Since there was an opportunity to exchange these products for one another, they were put in the same production unit. One can clearly see from this chart that when coal is burned these gases are produced, and if I can not get rid of enough hydrogen, I can perhaps sell more alcohol; if I can not sell enough alcohol and hydrogen, then perhaps I can sell more mineral oil. Those were the basic reasons for putting all these in one place, but the other idea and purpose, and the most important one, was that the technical and chemical experts who had a great deal of experience in their respective fields would be in one place and could work together and solve such problems. That is how the Leuna plant, shown in document 4, arose. First of

all, technical considerations, and second economic considerations. If one studies Document 4, one sees various big departments which are shown by the different colors. For instance, the green indicates mineral oil facilities; the blue indicates nitrogen facilities, the yellow is the methanol plant, and red is the organic plants. The whole factory, of course, required more and more workers. It increased from between 25,000 to 30,000 workers in the years 1940 and 1941, according to the extent of production. It is apparent that the management of such a big plant was possible only if there were big departments within the plant. One can see here on Document 4, a part indicated in red - those were the organic facilities, which worked with detergents, alcohol, methanol, and Dr. Giesen has been heard here as a witness. He was the director of such a department. For the green part - hydrogenation - there was absolutely independent management also under one director and a chief engineer, and it was exactly the same with the nitrogen department. One can see, therefore, that there were a number of complete factories within this plant. Some of them had four to five thousand workers and, of course, were an independent body in themselves. Nevertheless, there had to be some over-all technical management of the whole thing, and also an over-all social management. After I had gone through all the plants and become acquainted with them, I was made responsible for the whole thing. Now what did the over-all technical management have to do. As the Chart "Main Syntheses from Coal" shows, it had to manage the departments in such a way that the process going on in lower as a whole was correctly managed. Assume, for instance, that in the production of gas there was a change made, and it was a matter of course that in all three syntheses there would also be a change; or on the other hand, if somebody in any one of the factories made a change that would have an effect on the whole plant. For every factory was dependent on the others. It was also true that we worked with gasses at high temperatures and with complicated apparatus, and all the factories had to be adapted to one another very carefully. This was only possible if the technical processes of all these syntheses were very carefully supervised, and if

one had a command of them (this assumed that one stayed at the plant, that one took a constant interest in the individual technical problems, and made one's decisions on the basis of one's ability and one's experience).

On the chart "Main Syntheses of SPARTE I", one can also see that it was not only in the syntheses on the chart "Main Syntheses from Coal", that technical developments required that the products be further processed. That was also the technical task of a management which was assigned to me. One can see from the Chart "Main Syntheses of SPARTE I", that we worked for fertilizers for technical industrial nitrogen, for glues, lacquers, plastics, solvents, washing agents, as well as for the textile industry, and motor fuels and lubricating oils, and I must mention that that was only a small part of what was actually under my technical charge. Actually there were about fifty different products which we produced at Leuna, always from coal as the only raw material, and these possibilities resulted from varying chemical treatment and the various processes developed at Leuna and Oppau, the second plant of SPARTE I.

Oppau was an independent plant, but it belonged to SPARTE I, and Dr. Mueller-Coradi was the technical director. The connection between the two plants was in so-called TGA-SPARTE meetings, and also in small commission meetings which we held in the various fields, which were ordered by the head of SPARTE. All in all, I should like to say that because of this the Leuna plant had enormous shortages of raw material, because production was so expanded. I worked out some figures that there were seven million tons of production per year in the Leuna plant; two million tons of finished production went out, and five million tons of raw materials, especially coal, came in, so that two thousand freight cars went through the plant daily. This shows the extent of the organization, too. One sees that there was an especially large railroad section necessary; administrative departments were necessary, and I should like to say one thing about the plant itself: it is possible to direct such a plant uniformly only if one has the responsibility for the sub-departments, as far as possible, arranged in such a way that these departments can act independently, because every

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incident can not be decided by the administration. It is always the effort in such a big plant — it was always my endeavor, and Dr. Schneider's, to assign the responsibility as far as then possible to the gentlemen concerned, if only to maintain their enthusiasm in their work. They had their own independent duties and they carried them out under our over-all responsibility.

DR. FLACHSMER: I believe, Mr. President, this would be a good time to break off.

THE PRESIDENT: That is right. We will rise.

(A recess was taken.)

THE PRESIDENT: The Tribunal is again in session.

DR. WILLIAMS DIX: (Counsel for the Defendant Schneider):

I should like merely to report to the Tribunal that during the previous week I received a detailed report of the International Red Cross in Geneva. In this answer they state that there is no report about Leuna in their files. I am referred to the protective power, as they say, who also exercise control. However, this affair is no longer of interest to me because there were only French prisoners of war in Leuna and because France did not have any representative of the protective Power there. That settles that affair as far as I am concerned.

My colleagues are still considering what they are going to do. The secrecy order issued by Adolf Hitler in my documents shall be fixed as to date or the approximate date when it was issued. It will certainly be contained in an affidavit that will be offered on behalf of the Defendant Schmitz.

THE PRESIDENT: Dr. Flacchsner, might I interrupt you a moment to make a ruling.

Having considered the Prosecution's application dated 26 February 1948 for the production of documents, the Defendant's answer thereto, the Prosecution's reply, and the supplemental affidavit of Dr. Wolfgang Alt presented on 6 March 1948, the Tribunal now announces its ruling on said application.

While the Prosecution's application is very broad in its implications, the only specific charges contained therein which are supported by any such showing of facts as merit the consideration of the Tribunal relate exclusively to documentary material pertaining to Farben's Ludwigshafen Plant in the French occupation zone. We find nothing in the record

to indicate that there has been anything culpable or improper on the part of anyone in connection with the circumstances under which any documents were removed from Greisheim to Ludwigshafen, or under which papers at Ludwigshafen were destroyed. It further appears that only a comparatively small number of documents are here involved in this controversy and that these have since been deposited in the office of the Secretary General or returned to the files at Ludwigshafen where they are accessible to all parties concerned.

It does affirmatively appear, however, that Dr. Wolfgang Alt has for sometime been acting in a dual capacity, namely as an assistant counsel for a defendant in this case and as a technical advisor to the present management of the Ludwigshafen plant. If the obligations thereby voluntarily assumed by Dr. Alt were not in fact incompatible, they did, at least, impose upon him the positive duty of circumspect conduct in respect to the handling of documentary material that thereby came under his control. His conduct in intermingling such documents with his personal papers and concealing the former at the plant or elsewhere justifies a reprimand, nor can we permit this incident to pass without taking notice of what we regard hasty and ill-conceived action on the part of the members of the Prosecution staff here involved.

If, when they discovered the facts subsequently set forth in their application, they had promptly come to this Tribunal for redress instead of taking matters into their own hands by threatening potential witnesses with arrest and participating in an unwarranted violation of the privacy of the home of a member of the staff of the Defense counsel, they would have reflected greater credit upon themselves and the responsible positions that they occupy.

If counsel for both sides will in the future carefully observe the rules pertaining to the production and handling of evidentiary documents and at the same time remember that as officers of the Court they share responsibility with the members of the Tribunal for the orderly administration of justice, such unfortunate incidents as this will not again occur.

There is nothing in the record reflecting upon the honor or the professional integrity of counsel for the defendants generally, and they need not answer further. The application of the Prosecution is now dismissed.

You may continue.

BY DR. FLADENBERG:

Q. Dr. Bueckelisch, would you please briefly say whether you had any influence upon the research work of Sparto I, but if possible, quite briefly?

A. Yes. It is true that the research work was divided according to plants because they all had their own laboratories. The largest research laboratory was in Oppau. In Leuna there was a laboratory with a large staff of technical men. The laboratory in Oppau was under the jurisdiction in the beginning of Professor Grimm. Subsequently it was split up with the high pressure experimental station, and under Dr. Pier's leadership it was built up. This man is the inventor of methanol process. He developed the hydrogenation process.

The other research laboratories were put under control of individual department chiefs. In Leuna the research laboratory was under the charge of Dr. Harald who was directly subordinate to myself. He participated in the inspections of the plants, and, of course, I devoted a large part of my work to the research laboratories and the technical colleges.

Q In what field did you particularly work on your own developments?

A I can answer this very briefly because I have already mentioned the fields before. They are the syntheses and the intermediate products manufactured from these syntheses as shown on the chart called "Main Syntheses of Sparte I."

Q Can you briefly enlighten the Tribunal about the amount of expenditures for research within Sparte I that shows the significance of this particular field best of all?

A The expenditures for research of Sparte I had amounted to approximately 80 to 90 million in the years before the war, approximately 1928 and '29. These figures were never again reached by the research expenditures. As far as I remember in 1938 and '39 we expended approximately 35 to 40 million marks for research work within all of the Sparte. One must also take into account that the costs for the so-called high pressure syntheses coal experiments were very large. A lot of money is required for this work as compared, for instance, with the research costs in the dye stuff field. A piston used by the chemist is not to be confused with a high pressure furnace, that is much more expensive.

A In modern research, a retort or a test tube should not be -- cannot be compared with a cyclotron as used by the atomic research; that is to say, the absolute costs have nothing to do with the manifold types of work.

Q Would you please tell the Tribunal briefly how many patents were granted within Sparta I?

A Within Sparta I, the research field in which I worked, during 1934 to 1939 approximately 1800 patents were granted; that is to say, approximately one patent on the average every day including Sundays. Of course, this requires an extraordinary amount of work because new inventions were discussed to a very great detail.

Q Would you say something about your own scientific work, but we can condense this, also?

A This has to do with the tasks that I had to fulfill. Of course, I worked directly by giving lectures and by publishing pamphlets where I spoke about physical chemical problems, and during the ensuing years, about the carbohydrate field.

Q Dr. Szentfisch, before dealing with Leuna's production in general in my examination, I should like to clarify one administrative point. You said that in Leuna 25,000 to 30,000 workers were employed, and that the area covered by this plant was very large. How was it handled? Would you please tell the Tribunal, for that is of importance in judging the entire case.

A The handling of the pure clerical matters was a problem, too, because I, for instance, worked in the laboratories or the plants all day long; therefore, an arrangement had to be made about the handling of the mail. We had 1500 to 2000 letters come in every day, then on top of that, we had reports, scientific treatises, so that actually reading each piece of mail could be done only by distributing to each department chief or the competent departments the mail directly that concerned them. That was done in the following way. The mail was

distributed every morning by the chief of the commercial department with the assistance of two technical men. This mail went to the individual departments that I described before, and I left out a lot of departments, for instance, the machine technical department, the construction department, the large commercial department, the large social welfare department, and the other departments connected with technical matters. They all received their own mail. Outgoing mail was handled in the same way. Outgoing mail was sometimes even greater, and that was taken care of within the departments independently, for in these departments there were directors and procurists who could handle this mail on their own. In all important cases, the department chiefs had to make a consolidated report about their particular work. This was done by having all technical department chiefs report to me in the afternoon hours. Then, of course, in the afternoon hours I also had to visit the laboratories. That was the arrangement where essential and important points - and after all, I had the responsibility in the technical sector - had to be reported to me. They were also discussed in department chief meetings of the technical men, if there were any technical problems to be decided after listening to any opinions of the other technical staff. That was the extremely complicated and yet simple form of taking care of our daily current tasks.

Q Before dealing in detail with your production in Leuna, I should like to ask you to tell the Tribunal what your responsibility was for the development of the products, with the emphasis on the development of the products?

A In connection with what I said, I can take a chart, the main synthesis of Sparte I, and this lists all the products that we manufactured. All of the technical and chemical questions should serve the public, and should serve progress in general. This is clear in the nitrogen field. There was an extreme increase of the use of nitrogen fertilizer all over the world. In Germany, the intensive industrializa-

tion progressed more and more on the model that the Dutch gave us. The main task of the development was to produce a proper fertilizer. That was a large problem, chemically speaking, for the research work had shown that the plant does not react to every synthetic fertilizer alike, but that every plant demands its own nutrition, for in the nitrogen field alone, there were eight or nine different fertilizers, which all were developed in the large department that we had of the Sparte I on the Limburger Hof. The second field is the methanol sector. I believe it has already been pointed out sufficiently that methanol was a very important product in the plastics field. Methanol was cheaply produced from coal, and it was a matter of course that from this cheap product one should work in the plastics field, and that research should be done with a view to uses for plastics mainly. The third large field was the mineral oil field. I believe I would repeat what I have already said if I went into details, but the large research in the construction of coal carbohydrates started the research on this field. This was the beginning where most research was done, and the patents in this field, in particular the ones I mentioned previously, took up most of our work.

Q In the technical development of these various productions or in their research work that had to do with this production, did you intend to prepare Germany for a war, let alone a war of aggression? Were you able to conclude that this research led to such a war?

A No, we technical men wanted to build up and not destroy. We were chemists, and that is where we put in all of our work, especially on the basis of our products whose development I promoted myself. I can say that nitrogen was accepted into the research field of Farben already in 1913. Methanol was taken up in 1920, and this is comparable with America, where it was produced on a large scale and where research and development was done on this. And then the large hydrogenation field was started in 1926, but research was done on it already before. These are all products which belong to peacetime economy as seen from our

point of view, and were used in Germany on a large scale in amounts that increased constantly, and which demanded that production be increased constantly, and which demanded of us chemists that we concern ourselves with the question of making these products available for other commodity goods, consumer goods. Our technical and chemical science sees its purpose only in trying to fulfill these tasks. I never expected that such productions and developments be used for a war of aggression. That products quite generally from chemical industry and also from other industries were used during a war, and that they are employed for warfare, that is a fact which one cannot deny, but it was never our aim or my purpose to produce the certain materials for this purpose.

Q During discussions with your associates which you mentioned, did you or any of those gentlemen ever express the idea that your products might be used for a war and in particular for a war of aggression?

A I conferred almost every day with my colleagues, the technical men and the department chiefs, and I do not remember of one such case. I don't know of any such instance where we discussed using any products for a war of aggression. We had all the figures and we had all the ideas that I have already explained before.

Q Was your work at all orientated according to political points of view? Did politics play any part in your work?

A We were not motivated by any political ideas, but we tried to apply our technical scientific ideas only.

Q When you selected your associates, did the political considerations play any part?

A Not at all. My associates, for instance, Dr. Herold and Dr. Ringer in the mineral oil field and Dr. Glaser in the organics field or in the nitrogen field, Dr. Willfroth, and these were all gentlemen who as I heard subsequently didn't even belong to the Party. I never bothered about their political affiliations, I stressed the efficiency of the particular person and his character.

Q The machines and equipment needed by you for the development of your production had to be obtained from firms, and during these negotiations about such equipment, did you discuss the fact that these new tasks were such tasks that would prepare Germany for a war of aggression?

A I believe the opposite is true. The firms with which we negotiated know very well that our orders - rather, that when we distributed orders and when we discussed such matters, we always wanted to work on a more profitable basis and to produce something new.

Q The plant made available production figures or mobilization figures to the authorities. Air raid exercises were carried out in Leuna as we heard here. From this, couldn't you have concluded warlike intentions?

A No, certainly not, because these were general regulations issued by the authorities. The mobilization figures were made available in the same manner in which the figures were previously made available for the Statistical Reich Office. These were all orders from the Government and the air raid exercises that were carried out were initiated on the basis of government orders. That was alike in all of industry. This has been discussed in detail by Dr. Ter Meer.

Q Dr. Bustofisch, tell me the figures of investments in Leuna or in Sparta I in general until 1939. Had these figures not reached such a high that this would lead one to conclude that something extraordinary was afoot, that one was getting ready for something strange?

A Not in my opinion, especially during the years 1937 and 1938. We had restricted our investment figures so that many technically interesting fields had to be limited. The working capital of Leuna, for instance, which as far as I remember and as far as I compiled it here, amounted to approximately 337,000,000 marks in 1937, and which in 1938 amounted to 334,000,000 marks, required an investment of approximately 10 percent of this figure, that is 30 or 40,000,000 marks, and these investments had to be made if a technical plant is to be maintained at

all. Above and beyond that, very little was invested until 1939 unless a special product in the organic field was to be treated or if large repair work had to be done for certain production programs. It is also important for these investments to note that during the depression in 1931 and 1932, our investment figures were very far below the so-called amortization figures. I remember that this caused extraordinary damages and disadvantages in our plants; for instance, our large boilers deteriorated. All these expenses then piled up during 1936 and 1937, because then it was absolutely necessary to put some money into the plant.

Q It says here that the expenditure of Farben in the mineral oil products field under the Four Year Plan only for the period from the 23rd of October, 1936, to the 20th of May, 1937, constituted a large part of the entire figure of 573,000,000 marks expended for this field altogether. How does this coincide with your statements about the actual investments of Farben?

DR. FLAEBCHNER: Your Honors, this statement refers to the Prosecution document HI-10036, Prosecution Exhibit 429. This is contained in Book 20, page 25 of the English. That is an affidavit of Mr. Hagert.

Q Now, I ask you, Dr. Baetzle, how do these statements of Mr. Hagert fit into your description that you have just now rendered, and how can you supplement this?

A I can only say that Mr. Hagert compiled these figures from a report about the Four Year Plan. He calculated something from that report. I didn't know the documents, and I must say that these figures don't apply to Farben at all. I believe that during his testimony he said that these were expenditures made for Farben processes. In reality, however, I must say that the 573,000,000 expended during a half a year, which allegedly are Farben's expenditures, are not correct at all. As far as I could find out, during that time we expended 17 to 18,000,000 for hydrogenation during this particular time. That is quite normal for

our plant. It doesn't show any large expansions at all.

Q You already stated that you were also responsible for plants outside of Leuna, that were also administered by you. What was this responsibility?

A I assume that you mean Brabac and the Poelitz plants. I was only a technical advisor in these firms by reason of my activity and experiences that I had gathered in Leuna, and that which I of course made available to these gentlemen.

Q Didn't you know the production plans of these enterprises?

A Of course, I knew the production figures of the Brabac, what they were to produce, and I also knew the production figures of Poelitz, for we discussed that with those people because after all, they had to construct these plants.

Q Could you conclude any preparation for war from these figures?

A No, in my opinion, all these production figures were far within the normal framework of German consumption, and if everything is totalled up, one still doesn't reach the necessary amount consumed in Germany.

Q In your field of work, did you have the over-all responsibility for the plant, that is, also for the workers, the staff of employees and the workers?

A I wasn't responsible for the staff of employees and workers. That was part of the function of the plant leader, but of course I kept in touch with the workers, because I inspected the plants technically and I talked to the workers, with the foreman, whom I even know from my work in Leuna, and who knows me.

Q In any enterprise for the direction of which you were responsible, were you ever leader of the enterprise?

A No, I was never leader of the enterprise, because that wasn't part of my activity. I had technical responsibility.

DR. FLAEDHSNER: Mr. President, from my Book No. 2, I should like to offer a few documents. Bueterfisch Document 87, the affidavit of Dr. Carl

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Rumscheidt, on page 13 of the document book, Your Honors, is offered by me as Exhibit No. 23. Buetefisch Document 284, the affidavit of Dr. Hans Kneding on page 16 of the document book, will become Exhibit 24. Buetefisch Document No. 242 on page 21 of the document book, an affidavit of Mr. Friedrich Uhde, will become Exhibit 25.

Eustifisch Document Number 141, an affidavit of Dr. Friedrich Hennig, will become Exhibit Number 26.

Eustifisch Document Number 176, affidavit of Dr. Hennig of the 17th of January 1948, will become Exhibit Number 27.

An affidavit of Dr. Hans Sauer, which is Eustifisch Document Number 173, will become Exhibit Number 28.

Eustifisch Document Number 202, which is an affidavit of Dr. Georg Knoth, will become Exhibit Number 29.

Eustifisch Document 233, which is an affidavit of Ruthor, will become Exhibit Number 30.

Eustifisch Document Number 198, which is an affidavit of Gersten, will become Exhibit Number 31.

Eustifisch Document Number 149, an affidavit of Otto Dietzel, will become Exhibit Number 32.

Eustifisch Document Number 157, Bookno's affidavit, will become Exhibit Number 33.

Eustifisch Document Number 146, which is an affidavit of Jakob Beller, will become Exhibit 34.

Eustifisch Document Number 83, an affidavit of Dr. Richard Lando, will be Exhibit 35.

Eustifisch Document Number 85, an affidavit of Dr. Reinhold Goldberg, will become Exhibit Number 36.

Eustifisch Document Number 239 will become Exhibit 37.

Eustifisch Document Number 283, an affidavit of Dr. Hedwig Joehrus, Exhibit 38. Eustifisch Document --

THE PRESIDENT: Just a moment, now, we got the translation of the last document you offered was 282. Is that correct? Or is it 283?

DR. FLACHSMER: It was 283, Mr. President, an affidavit of Hedwig Joehrus, Exhibit 38.

THE PRESIDENT: Thank you.

DR. FLASCHNER: Buotifisch Document Number 282, which is an affidavit of Dr. Gunther Kunze, will become Exhibit Number 40.

In summary I should like to say this about these documents. These are statements about my client's activities and the manner in which he worked within the scope of responsibility that he had. These are statements by industrialists, by associates, and by foremen. I believe that they will be helpful to the Tribunal in getting an idea about the extended scope of activity of my client.

May I now continue in the examination of my client.

DIRECT EXAMINATION (continued)

HEINRICH BUOTIFISCH

BY DR. FLASCHNER (continued):

Q Dr. Buotifisch, during the course of this proceedings a number of documents were submitted which make it necessary to speak about your production in detail. First of all, we turn to the nitrogen field. It has been asserted that Farben pushed its production of nitrogen far beyond the necessary amount.

DR. FLASCHNER: Your Honor, this can be found on page 719 of the record on the following pages. I'm referring to the testimony of the witness Wagner.

Q In Dr. Wagner's affidavit it has been furthermore stated that this is Document 9049 -- HI-9049, Prosecution's Exhibit 593, where it is stated that Chile was displaced from the world market by Farben. In Document HI-7745, Prosecution's Exhibit 611, the assumption is expressed that in 1938 Farben could not meet its export quota of nitrogen because they decreased their nitrogen production to favor gasoline production. Dr. Buotifisch, I believe that you are the man to explain this definitely.

A May I ask the Tribunal to look at Buotifisch Document 104 for this purpose, which lists the nitrogen production capacity and the world consumption of nitrogen. From this chart --

DR. FLASCHNER: Your Honor, this is in Book I, on page 3. An affidavit of Dr. von Keler, Buotifisch Exhibit Number 5.

A I don't know, your Honor, if you have these charts in the book. That would make, of course, my explanation much simpler. From the first chart, Exhibit 1-A, one can see clearly how nitrogen developed in the world market. The first column contains the production capacities developed all over the world. And, undoubtedly, it is interesting to see from this chart that the entire world took a rapid upturn from 1928 on, 1928-1929. The production of nitrogen capacity in the world since those years was not a German affair, but that was a quite general endeavor of the enterprises in the economies in Europe, constructed on a national basis in order to get their own plants for supplying agriculture with fertilizers. From the map -- from the chart one can see that the production capacity of the world was very high, that the consumption during the depression years, in 1931 and '32 and '33, were reduced considerably. That is shown by the second column, and that consumptions increased very slowly again. This depression caused the non-German countries to construct factories because everybody wanted to employ workers and the urge was felt after this depression to construct national industries. That was the general trend in Europe after the depression. The next column indicates how strong -- how far Farben was participating in this consumption in Germany. From the charts quite generally one can see that in 1935-1939 there was a world production capacity for nitrogen, including the Chile amounts, but excluding Russia, of 4,000,000 tons, but that the consumption in the world amounted to only 2,000,000 tons during that same year. From these amounts Farben alone assumed approximately 450,000 tons. That is to say, Germany was one of the largest consumers of nitrogen that existed.

The next chart, 2-A, indicates clearly how the German consumption of nitrogen was supplied by Farben. One can see that Farben supplied about 50 to 60 percent of Germany's nitrogen consumption. One can see furthermore from this chart 2-A that already in 1928 and '29 Farben had a production that it never again reached in the ensuing years. The reason

for that is the fact that Germany later reduced its nitrogen export very strongly. If one compares the years of '28 and '29 with '38 and '39 — Germany's consumption increased considerably during that time — from this chart it can be furthermore seen in the red part, the part drawn in in red, that the consumption of industrial nitrogen supplied a subordinate part in the overall consumption of nitrogen, but I shall deal with that later.

It has been asserted that Germany had displaced Chile from the world market. I believe it would lead to an erroneous conclusion if one looked only at the German production. I must emphasize that the countries which bought most of the Chile saltpeter was Germany, from 1938 on. This can be understood only if one is familiar with the international nitrogen negotiations, when all nations ascribed that since Germany was the largest consumer of nitrogen, it should take most of the Chile saltpeter from Chile, for all other nations stated that they had their own nitrogen production and that they didn't need any more nitrogen.

Document 7745, is an affidavit of Dr. Jacoby, bearing Exhibit Number 711 — 511, if Dr. Jacoby asserts that Germany and France in particular, converted their production in 1938 and '39 in order to produce gasoline instead of nitrogen, then I don't know how this error occurs in this particular statement, for Dr. Jacoby is an associate who is a friend of mine, who was the spiritual originator of the international nitrogen convention and who worked considerably in this field in order to regulate nitrogen business. Whatever he writes in his affidavit is — seen objectively, is correct, but I don't know what made him conclude what he stated. The facts indicate something entirely different.

We increased our production of nitrogen constantly. That is, in '38 and '39 we produced more in order to meet the demands of agriculture. We did not extend the mineral oil field at all. We didn't have any order to fulfill in that field. Still, in '38 and '39 — I don't know when exactly — I myself issued the directive that it should be investigated where we profited most.

Whether from the purely commercial point of view it would be more advantageous to produce gasoline or nitrogen. But all these considerations never originated because of any order but only because of our own attitude. The proof for the fact that the nitrogen production increased constantly will be furnished from "Schiffisch Document Number 20 that has

already been introduced. From this document it can be seen that the baseline production decreased and that the nitrogen production increased.

Q Dr. Gustafson, for the Tribunal it might be very helpful if you turned once more to Chart 3-A of this document which shows the consumption of Chile saltpeter. You have already touched upon this, but perhaps you can say some more in detail about this.

A From this chart it is evident that the consumption of Chile saltpeter in Germany increased constantly. In 1938 and '39 we bought 28,000 tons approximately, whereas France, Belgium, England, all bought less than 28,000. Some of them even less than 10,000 tons, and all these countries were strong consumers of nitrogen in previous years.

From Document 107, in Book I, which is Gustafson Document 107, it becomes evident that in 1932 and '33 and in 1938-'39 the excessive capacity production -- capacity in the various countries; that is to say, the possibilities of producing over and above what was needed for consumption was very considerable in the case of all nations that produced nitrogen at all. In 1932 and '33 England had an excessive production capacity of 246,000 nitrogen tons of nitrogen; America, for instance, 302,000 tons of nitrogen; Germany, Belgium, France, and Holland. Then one can really never say that we pushed Chile off the world market. All these States, of course, were independent and they took care of their own needs because they had their own production facilities in their countries.

Q The opinion has been expressed that a responsible technical man could have seen from the constant increase of the sale of ammonia and saltpeter for explosives that a military program was intended. In Document XI-5568, Exhibit 127, of the Prosecution, it has been stated that an increase of nitric acid sale was a symptom and characteristic for this phenomenon. What have you to say about these statements -- For instance, first, that the increase of ammonia and nitric acid sale would have convinced any expert that a military program was intended and then the fact in other Exhibit that I have just mentioned?

A I think it is best if this be explained by Rustfisch Document 106 in Document Book I. In this graph one can see the consumption of nitrogen products and how it is divided up. It is true that I have grown up in the nitrogen field, but I could never have made any conclusions as to military events or intentions.

Q Just a minute.

DR. FLECHNER: Your Honors, you will find this chart after page 19. It is called "Use of Nitrogen Products."

Q Please continue, Dr. Rustfisch.

A On this chart one can see that in the entire production of nitrogen in 1936 and '39, — 1937 and '38 — for '38 and '39 is already an abnormal year where the war had influenced production. That is, in '37, '38, 88 percent of the nitrogen produced went into fertilizer, 12 percent went into industrial plants. From these industrial purposes 2.2 percent for military explosives and 1.1 percent for civilian explosives. Industrial nitrogen, especially in the case of nitric acid, is not used for explosives alone, but from Document 106 the text of this chart, one can see for what various purposes industrial nitrogen was employed. One can see that from the chart as well.

DR. FLECHNER: Mr. President, on page 17 you will find a list of the purposes for which industrial nitrogen may be used.

A We tried to show with this Document in the book that industrial nitrogen is a product without which industry is inconceivable today. Concentrated nitric acid is used in the production of sulphuric acid, of dyestuffs, of celluloid, in the rayon-lacquer production, for nitro-lacquer, for the separation of metals. For the producer it is quite impossible to know how much of this nitrogen is going to the individual plants. That's done by the sales companies and syndicates. From this chart, and list one can see that we didn't have any conspicuous or strange figures. Certain fluctuations always occur in these products.

Q I had asked you how you can reconcile what you have said with the statement that a responsible technical man would have had to conclude the military intention from these facts and figures?

A I believe I have already explained that we just produced industrial nitrogen. I have explained how the absolute increase of consumption was. I could not have made any conclusions whether in 1931, which is used as a comparative basis, we produced 10,000 tons and in 1936, for instance, we produced 20,000 tons. From that fact a technical man cannot make any conclusions.

Q EO-114, Prosecution Exhibit 602, has been presented. Mr. President that's in Book 34 on page 19 of the English. This document asserts that in 1939 the production capacity of highly concentrated nitric acid had been ten times as high as it was in 1931. What do you have to say about that?

A This document is not a report of any Farben agency but is from an authority of the Reich. I don't know these figures. They have been refuted by Document NI-10580 which was offered as Exhibit 616 of the Prosecution and which was compiled by the Strategic Bombing Survey. According to this document production allegedly increased from 10 to 26,000 tons. That's an increase of 1,000 to 6,000 tons of nitrogen a month or 12,000 a year. I said that we produced 800, to 850,000 tons of nitrogen in Germany and that if there was an increase it was very small and did not permit us to make any conclusions.

Q In conclusion I want to ask you whether you had anything to do with the production of explosives or gunpowder?

A No, the Sparte did not concern itself with this and I didn't either.

DR. FIAZCHNER: Mr. President, since this chapter has been discussed may I offer a few documents from my Document Book No. 2? Bueteifisch Document No. 2 in an affidavit of Prof. Dr. Schulse on page 74 of the Document Book and will become Exhibit 41. The next document which is Bueteifisch No. 49 on page 77 of the Document Book which is an excerpt of a record of the

Vorstand Meeting of Farben of December 1938. This is presented because of the report of Dr. Buetafisch about the nitrogen situation in Germany which which report it can be seen that the production could only with great difficulty meet the increase demanded. The next document is Buetafisch Document 111 on page 79. This is a record of the nitrogen Sparte Meeting of 25 August 1939. This will be offered as Exhibit 42. I beg your pardon; this should be 43. Exhibit 43. May I be permitted to draw the attention of the Tribunal? There it is stated: "In the event of the home sales raising to 1,000,000 tons nitrogen from the 715,000 tons nitrogen reached in 1938-39 and of exports decreasing only very slightly, we can count on an increase in Farben of contratual fertilizer nitrogen. This increase would amount to 609,000 tons minus 451,000 tons, equal to 158,000 tons of nitrogen." That's the production program for the peace-time demands that was drafted on 25 August 1938 in this Sparte meeting discussed during this time.

The next document that I shall offer will be Buetafisch Document 257 on page 54. This is an affidavit of Friedrich Ude. This will become Exhibit 44. Ude is a well known nitrogen expert and he says "that for the production of concentrated nitric acid which is needed for explosives special apparatus not usually available in factories for nitrogen fertilizer was required." I ask that this document be read together with the previous one which shows that nitrogen fertilizer was produced in Farben and particularly in Leuna. The next document which I offer will be Buetafisch No. 12. This will bear Exhibit No. 45 and is an affidavit of Dr. Knepper. Knepper is one of the most remarkable personalities in German coal industry. He is the honorary President of the Stock Corporation for Coal and he reports about the activity of Dr. Buetafisch in the nitrogen syndicate and he testifies that the members of the syndicate had such faith in Dr. Buetafisch that he was frequently asked to investigate controversies and to let him make the decisions. Dr. Knepper makes further statements about Buetafisch's activity in the International Nitrogen Syndicate. The next document is Buetafisch No. 87 and deals with the same subject. This is on

page 89 of the Document Book. I shall offer this as Exhibit No. 46. This is an affidavit of a certain Dr. Lalong, the first Director of the French Nitrogen Syndicate. He makes statements about Dr. Bueckfisch's activities in the Convention Internationale de L'Azote and he stressed in particular the objective manner in which Bueckfisch fulfilled his tasks. The next document is Bueckfisch No. 243 on page 91. This will become Exhibit No. 47. This is an affidavit of Dr. Willfroth about Dr. Bueckfisch's activity in particular in the field of nitrogen fertilizer production. Mr. President, this brings me to a definite step in my presentation of evidence. Do you Honors desire me to utilize the remaining minutes?

THE PRESIDENT: Dr. Flaechner, if you promise just to go a little bit faster than you have to make up for the two and a half minutes now lost we will now recess for lunch.

(a recess was taken.)

AFTERNOON SESSION

(The Hearing reconvened at 1330 hours.)

THE MARSHAL: The Tribunal is again in session.

DR. PRIBILLA: Dr. Pribilla, for Prof. Lautenschlaeger. Your Honor, I would be most obliged if the Tribunal would permit Prof. Lautenschlaeger to be absent from this trial Tuesday, Wednesday and Thursday of this week in order to prepare his defense.

THE PRESIDENT: That request is granted, counsel.

DR. FLAUCHNER: May I continue, your Honor?

THE PRESIDENT: Yes, doctor.

HEINRICH EUSTEFISCH (resumed)

DIRECT EXAMINATION (continued)

BY DR. BLAUCHNER:

Q Dr. Eustefisch, the next product listed in your chart is methanol. Now, it's charged that methanol is an important product for war production. Will you please comment on that charge?

A As far as the origin, the history and the actual production of methanol are concerned, I have written them down in an affidavit and, therefore, do not have to make any further comment. In my Document 228 in Document Book I you have a chart which shows the production of methanol as we have done it in the Louisa Works.

Q Your Honor, this is Page 28 of Document Book I; Dr. Eustefisch, will you continue?

A Now, that shows how we went about this production and what were the purposes for which this production was used. We had a cross examination of the witness Elias here, and I think that during this cross examination the technical and economical primary conditions for this production have been clearly ascertained. It is a production which found a parallel in the United States, together with all its various purposes. The chart in my Document 228 which has already been brought up by my colleague Schneider shows quite clearly how the production developed and it's striking here that methanol was in one

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instance also used for gasoline. It was a large - scale experiment made in Europe and the experiment was first made in Italy. I have to say here that technical difficulties arose and drove methanol from the fuel market again. At any rate, it was a very interesting experiment but it failed because methanol is too sensitive to water. For the rest, I have already explained that methanol can be used for plastics and I have already explained that methanol can be synthetically produced very cheaply as compared to the production from wood.

Q Did Sparte I or did you deal with the production of explosives from methanol?

A No.

Q Now, the prosecution charges that I.G. produced toluene via methanol in an uneconomical way?

A It's correct that the production of toluene via methanol is absolutely uneconomical. Therefore, we didn't have it produced in peace-time. We had no experimental process for it either. Now, this process of using benzol and methanol in order to produce toluene is a process which was developed in the Ruhr industries and only as late as 1940 or 1941, that is, in war-time; this system was introduced by order of the Government authorities. The fact that it was carried out in I.G. is explained only and alone by the fact that we were synthetic producers of methanol.

Q Would you tell us in a few brief words, Dr. Bueckel, who constructed the plant at Waldenburg where methanol was used to produce toluene?

A That was VIGO and it was built by us with the help of the Good Hope Estate.

Q Well, that brings me to the third field of production which you have mentioned and I think that was your main field of activity; that is, hydrogenation of coal and heavy oils and transformation of these heavy oils into gasoline and other fuels. Is it true that that was your field of work and for how long?

A It had been one of my main fields of work since 1926.

Q Since when were you responsible for the whole field of mineral oil production within I.G. Farben?

A The mineral oil production was started in 1926. Experiments had already been performed as early as 1923. The suggestion at the time was made by Prof. Bosch and by Dr. Krauch, and as far as the carrying out was concerned in the Oppau laboratories the initiative originated with Dr. Pior. We and I, myself, were only collaborators in this field, but in the beginning the responsibility within Sparte I was with Dr. Krauch and in the Louisa Works we started production under the responsibility of Dr. Dammel and Dr. Schneider and, of course, I, myself, was also consulted as one of the responsible men. The decisive responsibility, of course, at least until 1936, rested with Dr. Krauch, who was the Sparte Chief, after the successor of Dr. Krauch, Dr. Schneider, took over, and in this connection I point out that on account of the large amount of work I received special assignments in this field and as I was a member of the Vorstand too I was responsible for these tasks.

Q Now, concerning the production of fuels from coal and heavy oils a number of documents have been submitted here and I don't want to deal with them individually with you, but I ask you to comment on the whole evidence from a technical view-point. Perhaps you could use for that purpose Document Rustafisch No. 20 in Vol. I, page 43, with the charts.

A You mean Document 20?

Q Yes, page 43. 43 in English also, your Honor.

A There is one basic thing I would like to state; the beginning of the hydrogenation process in the field of mineral oil, that is, the chemical influence of carbon hydrates on the hard mineral oil side is not a German problem, as has very often been mistakenly assumed. It is a problem of world economy. The soil as such has carbonhydrates. These carbonhydrates in the soil have been made available for the use

of mankind. The carbonhydrates existing in the soil are known to everyone and are basically coal and mineral oils. For the chemist the only difference between them is that coal is a carbohydrate with very little hydrogen while mineral oil is also a carbohydrate, but containing hydrogen. The origin of these products is a special field of research. The only point there, how can we make these materials usable for our own purposes.

At the beginning, it was done without paying any attention to the chemical side of these substances. Throughout the world, mineral oils were used, but only to the extent of using them for certain purposes, that is, for instance, gasoline and diesel oil. The heavier carbohydrates were put to less use in the beginning, and the gas which was found at the same time when one obtained petroleum was not used at all.

The same problem existed with regard to coal. Of course, coal was used for direct heating purposes, but from coal the carbohydrates were extracted by distillation and they were also combined to make fuel for motors. Of course again only insofar as the simple processes at that time made it possible to obtain the products.

Now, in the petroleum industry, and I am recalling here a lecture by Igloff, the very well-known American research man, a lecture held in '38 at the Rome Congress for Natural Sciences, he announced that two billion barrels of petroleum were produced throughout the world but that only a small percentage, about 30 to 40 per cent, could be directly put to use as motor fuels. In the same way, coal was put to use in Germany in a general way and we did not pay any attention to the question whether fuels could be gained from it in a useful form. It is clear here that here was a great problem for world economy.

In the case of petroleum, one could not always simply take the cream off the milk; that is, take the gasoline and leave alone all the other raw materials. It is true that in the beginning simple processes were used in order to do away with this misuse. The cracking of oils was introduced in the United States, but that is a process that cannot satisfy the chemist.

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All this, in broad outline, was the problem which Professor Bosch was facing, and that is the way he introduced us to these problems. I said it's not a German problem. At the time Bosch told us and told us too, "Here is where the chemical man has to intervene and try to bring about the most adequate chemical synthesis; that is, to add hydrogen to the heavy hydrocarbons, that is coal, heavy oils, the crack remnants, in order eventually to obtain the product which is used in the motor industry and in transportation." The problem is simple but the solution is difficult. According to physical-chemical laws, it can be calculated whether it's possible at all, and that is what we did, and we arrived at a positive result. But that is not a German invention alone. In the same way and about at the same period, the Americans tried to make headway in this problem and so did the British. In France, too, very interesting experiments were made in this field. That is how this problem was approached, because the task was simply to bring about a rational use of the raw materials existing in the world for the benefit of mankind.

It is a well known fact that it was through the patents of Bergius, that Germany first made public these inventions. These Bergius processes established the first basic facts. They were taken up by the whole world because the Bergius patents were also obtained by Britain, and not only by I.G. Farben. Bosch had recognized the world economic importance of this fact and he didn't keep this problem to himself, but he informed our business connections in the United States of it, that is the Standard Oil Company. Standard Oil also, as I have mentioned already, had considered this problem reportedly because at that time the increasing scarcity which was discussed at that time in the field of petroleum had led

in quite a general way to a consideration of this problem. I must say that the presidents of the two companies, Mr. Teagel on the one hand, and Mr. Bosch on the other, reached an agreement very quickly which in broad outline provided that an attempt was to be made to collaborate in this large field. And this is how from 1927 to 1929 the great alliance between the Standard Oil and the I.G. Farben Industry came about concerning collaboration in the field of mineral oils in quite a general way, and in the important products which at that time were called "Major Products."

It was not very much later that the I.C.I., the Imperial Chemical Industry, took an interest in that field. This company had, on its own, started these experiments on a large scale, and I recall that in the early '30s, in 1931 for instance, we took up contact with the I.C.I. and discussed the problem. Perhaps it may be permitted that, as proof for the general interest which existed in the mineral oil field for this problem in the world, I may very briefly quote a few lines from what the I.C.I. at the time had done in this field. This is a short note from the Fuel Institute and from a lecture which Mr. Gordon had made, it is true, only as late as 1935, in public. There he says, "In 1930, the I.C.I. announced that they could produce a 60% yield of petrol from coal and they gave estimated costs showing that commercial development was possible only with government assistance. As the process developed, the I.C.I. realized that although the original Bergius patents had lapsed, there were many important patents held by the Standard and I.G. Discussions were opened with this group, as a result of which, in 1931 the four major operators in the field, namely, the I.G. Farben, the Standard Oil Company of New Jersey, the Royal Dutch Shell

Group, and the I.G.I. associated themselves in a pooling company -- the International Hydrogenation Patent Company -- in order to pool their patent rights and to effect a general exchange of technical information."

At a later stage, Your Honors, I will again refer to this part, but at this point I would like to point out that from 1929 we were in constant contact with the Standard Oil of New Jersey, and from 1931 also, with the Imperial Chemical Industry. We collaborated with them in order to solve this problem which was of value for the whole world economy and to solve it on a large scale. This does not involve hydrogenation, that is the adding of hydrogen to coal, but also the improvement of heavy oils as far as the use to which they can be put is concerned.

Therefore what were the reasons which made the I.G., Bosch, Krauch and their collaborators, of which I was a responsible one, approach and pursue this problem with all their forces? One was the reason just described; that is the economical use of heavy mineral oils and heavy hydrocarbons, and to make them useful for mankind. The second reason was that every chemist and every expert in the field of mineral oils had to realize that should there be success in merging this coal with the hydrocarbons in one way or the other, then an unexplored field of so-called aliphatic chemistry would be opened up; that is, the large field of these compounds which are grouped in hundreds of thousands, and they could approach it from the viewpoint of synthesis. I do not want to deny that of course the approach to these problems was influenced by the various economic needs in the various states where they were treated.

Thus in Germany, for instance, during the economical crisis

a great interest of course existed in continuing this production even under the prevailing technical difficulties. This same problem arose in England, and it was pursued there with the same intensity. However, work in the chemical phase was done in the same way; that is, the opening up of the field of hydrocarbons for oil. There are many documents showing how this collaboration and this initiative and these new processes which had been found in the chemical field -- how these processes were constantly investigated by the organics, and how by and by these organics eventually mastered the problems. It would be useless to discuss who achieved more and who achieved less in these fields. The immense research work of the Americans, I think, is known to us without any gaps, but I also know the work done by the German research men, because here it was the problem of our collaboration with the company with which we reached this agreement, and that was the Standard Oil of New Jersey.

Q All, Dr. Pustefisch, we want to be as brief as possible, and I think what you told us so far about hydrogenation is sufficient for the Tribunal. Now will you please look at our document in Document Book No. 1, and look at the chart which is Document Pustefisch 162, and that is on page 53 of the German. Now will you briefly explain to the Tribunal of what the situation was in the German mineral oil industry wherever I.O. worked on it. But maybe you can make it as brief as possible because the chart is very extensive and clear.

A This chart, and I think you speak of the map of the German Mineral Oil Industry, is only to show, in broad outline, that a German mineral oil industry did not exist only because of hydrogenation but that a German mineral oil industry already existed in the mineral field.

Q Was it economical for Germany to produce mineral oils?

A Well, that is just why I showed this chart. It wasn't a question of whether hydrogenation was economical; in the last analysis, the question was whether it was correct at all to produce mineral oils in Germany. From what I have said already, such an industry had to exist because of the German mineral oil deposits and their processing. On the map you have these oil deposits marked with a circle and a line, and on the map in green, you have listed such plants as were built by the foreign companies like Standard, Shell, and the Vacuum Company. Then there was also a number of refineries for gasification; that is, plants producing oil from coal by gasification. Then there was a number of factories producing benzol. It's natural that this mineral oil produced in Germany in its entirety was, for instance more expensive than petroleum in the United States. But the basis for cheapness and for what is economical in a country has already been covered upon by my colleague, Tor Hoor. For the mineral oil industry it is more interesting because there were several branches of this mineral oil industry in Germany, and because of that the price became stabilized; for if one didn't want to let the industry perish, this would constitute the concept of cheapness in Germany. That

was the same situation for all European countries incidentally, and here you see the same mineral oil prices with small differences in almost all the countries of Europe, because everywhere there were such possibilities of extraction.

Of course, mineral oil extracted from the soil in Germany would be much more expensive, and I want to mention here that it's at least four times as expensive as the mineral oil extracted from American soil, because deposits are smaller and the yield is smaller too. Therefore, a process is economical in Germany if it remains within the limits I have just mentioned and if it doesn't burden the consumer more than was customary in Germany generally. That was what Bosch at the time had fixed as the limits of cheapness and what he had told us.

Q Now, Dr. Gustafisch, will you please look at Document Book I, Page 44, that is Exhibit 13, and it's Document Gustafisch No. 161, the affidavit of Kurt Hartmann. It's a graphic picture of the accounting of costs for imported gasoline. Please use this graphic chart in order to discuss the question of cheapness. You just referred to it.

A Well, on this chart, you have a description of how the individual prices in Germany were developed. I can see that in 1923 the highest price for gasoline was about 19 pfennig per liter.

Q Just a minute. Your Honor, that is on Page 44 -- the chart after Page 44. It is inserted between Pages 44 and 45, Your Honor, and follows the Hartmann affidavit.

A That was during the period when the I. O. started to work on the hydrogenation process. Over and beyond that, there was a relatively small duty of about 7 pfennig per liter. The price of gasoline then dropped to 12 or 13 pfennig per liter. Now in order to discuss the question of German mineral oil industry which I have described before, and in order to protect this industry, the duty was increased in order to keep the price at the gas station on the same level. Then came the devaluation of the dollar and the gasoline price dropped a bit. In 1931 the duty for gasoline

I am not speaking of other mineral products now — was increased and fixed at the price of 16 pfennig per liter. From that moment on, we had a constant duty on gasoline which partly was a protective duty for the whole German mineral oil industry and partly of course, as in all other countries, was a means of providing the state budget with money. I want to stress that in 1931, the German mineral oil industry produced about 900,000 tons, and about 80,000 tons of these 900,000 were produced in the hydrogenation process. This is concerning the question of cheapness.

Q Now, in the course of hydrogenation, did they believe that they could reach prices of production which would not burden the German economy to any considerable extent? For that purpose, would you look at Document Rustefisch 165, that is on Page 51, Your Honors, in Volume No. I, an affidavit by Earl North.

A. Well, I would like to say that I.G. thought it over at great length as to how far the prices for synthetic gasoline could be lowered taking into consideration normal technical production conditions. The calculations at that time made by us were between fifteen and twenty pfennigs per liter. In reality, we later reached a figure of 13.5 pfennigs per liter, and it is a matter of course that here again improvements can be made because the technique has been improved in the meantime.

Q. Now, Dr. Bactofisch, will you please take Document NI 6765, Prosecution Exhibit 31. That is in Document Book 3 and it is page 47 of the English, and will you also look at Document 9922 which is Prosecution Exhibit 522. It is in Prosecution Document Book 26, English page 89. Now, will you please comment on these two documents? They have been submitted in order to support the assertion that the production was not economical. That is, that the production of gasoline by hydrogenation was uneconomical. Will you please comment on that.

A. I would ask then that we first look at Documents 160 and 161 of my document book 1 where the graphs show quite clearly.....

Q. (Interrupting) Just a minute.

Your Honor, these two graphs are on pages 44 and 45 of Bactofisch Document Book 1.

A. In 1931 already we had a cost price - you see that in the grey columns of 22 pfennigs per liter and that this production price later on dropped to about 15 pfennigs as the years went on. The profits.....

Q. Just a minute, Doctor. You are talking now about Graph 1 on page 45, aren't you?

A. Yes, Table 1.

Q. Yes, Well, go on.

A. But the profits.....

MR. SPEECHER (Interrupting) Just a second.

Mr. Presiding, the difficulty is that I just received a considerable number of charts loose from Dr. Flachner this afternoon and I can't

follow because they are not tied into my particular book in any way.

If Dr. Flöckner will indicate to me which chart is involved, in some way that is comprehensible to me, I will be able to follow.

Q. DR. FLÖCKNER:

Yes, I will gladly do so.

Q. All right, Dr. Buotefisch, you can go on.

A. Well, the profits left to I.G. were, of course, below that.

That can be seen from the lower line which has been drawn very clearly. The retail price at the gas station - that is, the price of the product plus duty, as I have mentioned it before - is shown by the dotted lines. That was the price which the technician would have to receive. If he didn't receive it, it was on account of the conditions of the market and on account of the strong dumping on the German market on account of the economic crises and where the market had diminished very strongly and where everybody now tried to sell his gasoline at any price in order to be able to keep up his gas stations and to remain in business. That was clearly a matter of the market and of supply and demand which was in no way connected with the technical questions. Such manifestations would turn up again and again with regard to every product and here they could not even be regulated by duty tariffs.

Q. Now, when were the technical difficulties removed? I mean the technical difficulties which had, up to that point, made the product a failure from the economical point of view.

A. In the middle of 1932, as can be seen also from the cost price, we had removed all technical difficulties as far as it was possible at all.

Q. Now, Dr. Buotefisch, the III document I mentioned a while ago speaks of very high expenditures for installations - 482 million marks. Will you please comment on that figure because it is, of course, important for the question of cheapness.

A. Yes, well, this document was submitted, that's true. It is a file note from Oppen of 19 November 1936 and at the top on the left hand you see the purpose for which this document was drawn up, and it says

there: "Change in the Gasoline Contract." I'll come back to that later on, but if you read this document, and that's the first time I make the acquaintance of such a list, then it becomes clear to me that this document only proves what had been spent until 1936 for the hydrogenation within the I.G. Farben Industry. The final result is 336 million Reichsmarks. However, the compensations we received were not deducted, the compensation for pooling our whole patent holdings in the interest of international cooperation. That is 148 millions. At the time, that was 35 million dollars. Well, that leaves only 188 millions for so-called uncovered expenses. Now, it must not be forgotten that the assets, as compared with these liabilities, were the large-scale installation in Ludwigshafen with a capacity of 350 thousand tons of gasoline. Therefore, you have a list here where only the total expenses are established for a certain purpose. However, there is one thing I would like to point out to the Tribunal and that is that I am not trying to withhold that within the I.G. Farben Industry, even in 1931, voices were heard suggesting that we should simply abandon the work on hydrogenation. I tried to show with the charts I have submitted that during periods of economic depression one did not receive for the product the sums which usually were obtained on the market if the conditions had been normal. These were dumping prices and since during the period of economic depression of course savings were made everywhere, such ideas also were expressed, particularly since technical difficulties still existed. Bosch, however, never gave up this task of hydrogenation. He clearly understood that this great problem had to outlive even economic crises and even as early as the middle of 1932 he ordered that nothing should be done and that the work should be carried on.

Q. Now, that brings me to a count of the indictment, the so-called alliance with Hitler. Will you please tell this Tribunal, witness, for what reasons you, in 1932, went to see Hitler, how this visit came about, and how this visit developed?

A. During the crisis I just referred to - I mean the economic

there: "Change in the Gasoline Contract." I'll come back to that later on, but if you read this document, and that's the first time I make the acquaintance of such a list, then it becomes clear to me that this document only proves what had been spent until 1936 for the hydrogenation within the I.G. Farben Industry. The final result is 336 million Reichsmarks. However, the compensations we received were not deducted, the compensation for pooling our whole patent holdings in the interest of international cooperation. That is 146 millions. At the time, that was 35 million dollars. Well, that leaves only 186 millions for so-called uncovered expenses. Now, it must not be forgotten that the aspects, as compared with these liabilities, were the large-scale installation in 1931 with a capacity of 350 thousand tons of gasoline. Therefore, you have a list here where only the total expenses are established for a certain purpose. However, there is one thing I would like to point out to the Tribunal and that is that I am not trying to withhold that within the I.G. Farben Industry, even in 1931, voices were heard suggesting that we should simply abandon the work on hydrogenation. I tried to show with the charts I have submitted that during periods of economic depression one did not receive for the product the sums which usually were obtained on the market if the conditions had been normal. These were dropping prices and since during the period of economic depression of course savings were made everywhere, such ideas also were expressed, particularly since technical difficulties still existed. Bosch, however, never gave up this task of hydrogenation. He clearly understood that this great problem had to outlive even economic crises and even as early as the middle of 1932 he ordered that nothing should be done and that the work should be carried on.

3. Now, that brings me to a count of the indictment, the so-called alliance with Hitler. Will you please tell this Tribunal, witness, for what reasons you, in 1932, went to see Hitler, how this visit came about, and how this visit developed?

4. During the crisis I just referred to - I mean the economic

depression in Germany - it was a matter of course that the general opinion in the gasoline market was that they wanted to get the products cheaper and cheaper. The newspapers, of course, knew about the hydrogenation process we were engaged in and they thought that we were the reason why the prices were not further decreased. Particularly, the automobile industry led a fight in favor of further reduction of prices. The newspapers took up these ideas and started a general attack on hydrogenation, and particularly in misunderstood newspaper articles it was expressed that it wasn't possible at all to produce liquid fuels from coal. At the time, Bosch had, of course, read these attacks. It didn't at all disturb him. He would have gone on any way, but there were strong attacks against and even insults of his collaborators and therefore he, at the time, as far as I remember, caused the press agency in Berlin to see to it that the press was better informed and I know that a number of newspaper men then came to the Lurgi works because it was my task to give them some simple technical lectures and to show that this miracle of liquefaction of coal had become a reality. All the same, a few newspapers continued their attacks. Now, in September or October - I don't know exactly when - Guttman rang me up one day and told me that we should inform the National Socialist newspapers and that Bosch had told him to go and see Hitler and I was to explain in a few technical words that what we did was reasonable and that it was without any purpose to attack our products and to give wrong information through the press. In this way the visit to such was brought about. Bosch told Guttman to inform me about this.

Q Now, you and Gattineau - did you have the order to give any promises to Hitler?

A No. In no way.

Q Were any agreements made between you, on the one hand, and Hitler, on the other?

A No.

Q Were you a member of the Nazi Party at the time?

A No.

Q What was your position in the I. G.?

A I was prokurist and deputy director.

Q Now, please, in a few brief words, will you describe to the Tribunal this visit to Hitler?

A I recall that one morning - as I told you, in September or October - Gattineau called for me by car. He came from Berlin and we went to Munich. There, after we had gone to the hotel we were called for by Hess and brought to Hitler. First, he wasn't there. I think he had some sort of a meeting or conference but then he came and he told us: "Oh, yes, you came to inform me about the fuel question, didn't you?" And then he said first he wanted to express his opinion on that question. Well, he didn't really speak about the fuel question, but more about the automobile and he told us that every German should have his own car and the best thing would be to build highways and autobahns in order to make the German countryside accessible to every German, and what I do remember is that he spoke quite a bit and that he went on talking and elaborated extensively and that he eventually said: "Well, I don't know anything about technical matters, but I know that we have benzol and petroleum and that we even produce gasoline. I have heard about that too. I've also heard that you produce acetylene and all sorts of things. Now, will you please tell me a few things about how you produce gasoline from coal." I gave him a short explanation on that and I must admit that the questions he posed seemed very reasonable to me, not especially regarding the technical field, but they showed that he was interested in the problem. I told

him that this and that was the process and he asked what we thought of the cheapness of the process. I told him that a process is economical if, as I had learned from Bosch, it does not burden the German market and German producers more than is the case now." Thereupon he said: "Do you think that can be achieved?" I said I thought so. Thereupon the conference was practically finished, but not until I had told him again that the newspaper attacks continued and he himself told me that he hadn't read about them but that he was in favor of stopping these attacks and not publishing things which were absolutely unfounded and baseless. Well, we said goodbye very briefly and left. After I returned, a few days later, I reported to Bosch about this conference, and I recall that Bosch told me: "Well, this man seems to be more reasonable than I had thought." I must admit quite frankly that I don't have an overwhelming impression of this conference but whatever Hitler said on that occasion seemed reasonable to me. It's true that he talked quite a bit during the conference.

Q Now, this visit of yours is connected by the prosecution with the agreement which I.G. Farben concluded with the Ministry of Economics at the end of 1933. What can you tell us about that?

A I myself did not work on that agreement in detail. Of course, they asked me questions with regard to technical matters, but I know that negotiations for that agreement had started already in the middle of 1932. At the time, as I have shown and explained with the graphs in my documents, a great problem existed in the mineral oil market and I recall exactly that the benzol industry, as well as heavy industry, also conducted negotiations with the Reich Ministry of Economics to get some compensations for these large decreases in the market which had been caused by the economic depression. This agreement itself, therefore, was in no way connected with my visit or Gattineau's visit to Hitler. It was not mentioned at all.

Q Do I understand you correctly that this agreement was concluded purely for economic reasons and was in no way connected with the cheapness of the process or the technical problems of it?

A Yes.

Q Were there other processes to provide Germany with fuel?

A Yes. I have already explained that in my chart a while ago and I think I gave you details about it.

Q Now, how did the agreement between the Ministry of Economics and I. G. Farben work out? Was the I. G. very happy with this agreement?

A At the time the agreement was strongly advocated by Bosch. Bosch didn't want to have anything to do with the technical difficulties arising from the problem of supply and demand. I remember, even if I was not responsible myself for that matter, that Bosch said: "For me, it is the main thing that for such a process we are covered with regard to our expenses in order to give us the possibility of developing our process further without any worries and these expenses are included in the gas station price of the gasoline. That is, the cost price plus the duty. Now, if this agreement provides that I am relieved of the difficulties arising from supply and demand, then I am in favor of such an agreement."

Now, your question is, did it develop favorably for I. G. Farben. The only answer I can give you is no because, as soon as the difficulties arising from supply and demand were overcome, we had to give up all our profits to the Reich, except for a little dividend of about 1% or 5%. If I remember correctly I think, until 1942, we had to pay to the Reich about 91 million Reichsmarks because we were entitled only to these amounts arising from normal calculations.

Q Is it known to you whether the I. G. tried to get out of this agreement?

A Yes. We made several attempts to amend the agreement but the government wouldn't accept that.

Q Did the Reich conclude similar contracts with other companies?

A Yes. I know that the Reich concluded similar agreements with the soft coal gasoline company as well as with other companies. You can even say that the whole mineral oil industry and even the petroleum industry and other industries were covered by such protective agreements. Basically

their purpose was to regulate the tariffs in such a way in relationship to the cost prices that German production could go on. It is true that the contracts which other companies concluded with the Reich were much more favorable than the contract which I. G. Farben concluded.

Q. Now, a document has been submitted to the Court. It is HI-10507, Exhibit 544 and, if Your Honors please, that is in English Document Book 27 on page 162. That is a report of the Enemy Oil Committee and it is charged there that the German technical industry and particularly the I. G. had introduced the hydrogenation process without regard to the production costs.

Will you please comment on this assertion?

A. I can say there that it wasn't the I.G. Farben Industry that introduced this process. They developed it. The fact that at other places hydrogenation installations were set up is connected with the total development of the process. After we had ascertained that, in the sense I have explained, coal or tar could be hydrogenated into mineral oils, a number of interested parties approached us; for instance, the German Petroleum Company and Ruhr Industry, and as I mentioned before, finally also Britain, even Italy. It is true that they approached the International Chemo-Patents Company also; France also, but we are dealing here with German companies and all these enterprises approached us at a very early stage.

The production of mineral oil from coal is, as I have said already, not a problem of mineral oil alone. It is also a problem of coal. Germany had quite a bit of coal which could hardly be used for other purposes but was useful for hydrogenation; for instance, the powdered coal in the Ruhr Industry, the coke which cannot be used for any other purposes, also the field of soft coal. Soft coal is a low-grade coal but is very useful in hydrogenation.

All these considerations, of course, led to the development of hydrogenation in Germany.

Q. Dr. Buotofisch, I would like to ask you now to look at the tables which are attached to your Document 101 and to look at these charts when you answer the question of cheapness.

DR. FLECHSMER: Your Honor, these are the tables attached to Page 55 of Document Book I.

Q. I think it would be very useful if you, Dr. Buotofisch, would give us a few brief comments on these charts.

A. Well, may I ask you that document you are referring to? Are you referring to 101?

Q. Yes, 101; the tables are attached to page 55. The first chart is, "German Motor Vehicles and Consumption of Mineral Oils."

A. Yes, I see. Well, from the first chart at I-a you can see quite clearly what the development was with regard to the consumption of mineral oils in Germany. 1933 to 1938 saw an increase from 3.5 million to 7.2 million whereas the production increased only from 1 million tons to 2.7 million tons approximately; the import later increased from about 2.3 millions to 4 million tons.

From these tables it can be seen that an increased consumption of fuels had occurred in Germany during those years and that, of course, on account of the foreign currency situation, the Reich was very much interested in developing the production.

I think everything else can be seen from the tables quite clearly. It had to be expected that consumption would increase considerably because, on account of the introduction of the Volkswagen, a strong increase in automobile traffic had to be expected, even if Germany was still considerably behind in its motorization as compared with other European countries, let alone the United States.

Q. Well, that can be seen from the graphs very clearly. Now, Dr. Bietofisch, concerning the chapter we have just dealt with, I would like to submit a number of documents.

A. Well, Dr. Flachsenner, could I perhaps give a few short comments to settle that question?

Q. Yes, go ahead.

A. On Table IV-a one can see that, even if the so-called "autarchy" was always referred to in Germany in the mineral oil field just the contrary took place. In 1933 we imported mineral oil costing 416 million marks. In 1938, in order to control the consumption, we imported 251 million marks worth. The reason was that the consumption had increased considerably and if you find Prosecution documents which sometimes say that Germany becomes independent, as far as mineral oil production is concerned, then we as technicians, or I as a technical expert, can only say that it contradicted all reasonable considerations because we didn't

even have the possibility of satisfying our normal consumption.

DR. FLAESCHER: If your Honors please, I may now turn to Document Book III and I would like to offer the first document in that book. That is Document 52 Buotefisch and I am making it Exhibit 48. This is the transcript of an oil conference of the 1st of September 1932.

The next document is Buotefisch 114 which I am submitting as Exhibit 49. It is also the minutes of an oil conference and the same goes for document Buotefisch 54 which I am submitting as Exhibit 50.

The next document is Buotefisch 120, the minutes of a TEL conference in 1934 which becomes Exhibit 51.

The next document is Buotefisch 53 and I offer it as Exhibit 52. It refers to a hydrogenation plant. The next document is Buotefisch 116 and I am submitting it as Exhibit 53. It is the minutes of an oil discussion on 17 December 1936 and it refers to the parties interested in the hydrogenation process.

The next document I am submitting is Buotefisch 115 and I ask that it be given exhibit number 54. It is an excerpt from the Mining Journal of 5 February 1944 and it contains a report by the president of the I.C.I., Lord Gowan, concerning the construction of the hydrogenation plant in 1935 by the I.C.I. and in this document the reasons for the construction are explained.

The next document is Buotefisch 281. I ask that it be given the exhibit number 55. It contains a lecture by Kenneth Gordon at the Institute of Fuel on 22 November 1935, a lecture which was already mentioned by Dr. Buotefisch.

The next document is Buotefisch 118 and I am submitting it as exhibit number 56. It is the minutes of an oil discussion.

The following document is an affidavit of Dr. Matthias Pier. It is Buotefisch 71 and I ask that it be given exhibit number 57.

The next document on page 45 is an affidavit of Dr. Ringer, a collaborator of Dr. Buotefisch. It is Buotefisch 130 and I respectfully

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submit it as exhibit 58.

Turning to page 69 of the document book, you will find Document 11 Buotofisch which is to have exhibit number 59. This is a letter pertaining to nitrogen calculations of I. G. and addressed to the ammonia plant, Mersburg.

Turning to page 73 you will find the next document, Buotofisch 29, which is an affidavit of Dr. Conrad Boettcher. It is dated 29 December 1947. I submit it as exhibit 60.

On page 74 you will find the following document, Buotofisch 277, an affidavit by Paul Schneider. It is dated 18 February 1948 and I submit it as exhibit 61.

Then on page 77 you will find an affidavit of Gottfried Grubel which will be Buotofisch 221 and I submit it as exhibit 62.

On page 79, the next document is an affidavit of Ministerial Counsellor Walter Rosenkrantz. It is Buotofisch Document 224 and I ask that the Court give it exhibit number 63.

The following document, Buotofisch 271, is again an affidavit of Dr. Pier and I ask that it be given exhibit number 64. May I point out that it is on page 81.

THE PRESIDENT: In what book please?

DR. FLAUSCHNER: It is still in Document Book III. It has been omitted in the index.

THE PRESIDENT: Now, again, would you mind telling us: The page number is 81 and the document is 271. Is that correct? I mean the exhibit number is 64?

DR. FLAUSCHNER: Yes, your Honor.

THE PRESIDENT: What is the document number?

DR. FLAUSCHNER: 271, your Honor; 271 on page 81.

The next document, your Honor, will be Buotofisch 63 and it is an excerpt from the Petroleum Times. It is on page 83 and it receives the exhibit No. 65; the next document is Buotofisch 89, page 84 of the

document book, and it is an affidavit by Krommoller and I ask that the Court give it Exhibit 66. Mr. Krommoller is in the Griesheim Document Center and assures us that these are photostats of the original documents which exist in the Griesheim Document Center.

That would conclude Document Book III, your Honors.

THE PRESIDENT: The Tribunal will take its recess at this time.

(A recess was taken)

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

DR. BACHMANN, (counsel for the defendant Ignor): Mr. President, I ask for permission to have Dr. Ignor excused from the sessions tomorrow and the day thereafter to prepare his defense.

THE PRESIDENT: That request is granted.

DR. BACHMANN: Thank you.

DR. FLAENDERMAN: May I continue, Mr. President?

THE PRESIDENT: You may proceed.

DIRECT EXAMINATION (continued)

DR. HEINRICH BUSTEFISCH

BY DR. FLAENDERMAN:

In the course of the presentation of documents, I now refer to Document 4. The first document is an affidavit of Freiherr von la Roche-Sarkenfels, which is Bustefisch Document 203, and which will become Exhibit 67.

The next document listed in the index is an affidavit of Dr. Bothe-Mulert, on page 4, which has already been introduced as Exhibit No. 1. The next document is an affidavit of Dr. Fischer, dated 3 January 1948. This is Bustefisch Document 173, and will become Exhibit No. 68.

The next is an affidavit of Dr. Kurt Hartmann, which is Document 218 and which will bear Exhibit No. 69.

The next document listed in the index is an affidavit of Josef Ganninger. I ask that this be deleted. I shall bring this later in another Document Book.

The next an affidavit of Dr. Petri, is Document Bustefisch No. 75 and will become Exhibit No. 70.

Kurt Klinge's affidavit is next, as Bustefisch Document No. 10. This will become Exhibit 71 for Bustefisch.

Now the affidavit of Emil Wuerth, Document 109, which will become Exhibit No. 72. These are the documents referring to these subjects treated by Dr. Buctofisch up to now.

I now continue in examining my client.

Q Dr. Buctofisch, did Farben endeavor to introduce its hydrogenation process into other plants as well?

A No, Farben itself did not approach these plants, but as I have explained previously, for reasons of their own, these plants approached us.

Q The hydrogenation had been built up by now on the soft coal basis. What do you know about the foundation of the Brabag-Braunkohle-Benzin, A.G.?

A During my examination I already mentioned that originally, in 1933, or at the beginning of '34, the Saxony Soft Coal Industry asked us whether it might not use your hydrogenation process. A few other interested soft coal parties turned to Farben. A so-called duty association for soft coal was founded upon the instigation of Minister Schecht, because he was interested, as far as I know, to create more hydrogenation plants which would produce gasoline, and this might meet the critical foreign exchange situation.

The basic idea why he made it a duty to join this association was that he assumed that the individual soft coal plants might not be financially strong enough and that, therefore, an association should be formed. At any rate these are all ideas of which I learned subsequently when the Brabag was founded.

Q NI 3975, Prosecution's Exhibit 517, was introduced from Document Book 26, page 45 of the English. This dealt with a conference that took place in Leuna, in which Herr von Brockelberg participated. This is a certain General von

Boeckelberg.

A I can state that Farbion at the time was not very much interested in participating in this duty association, - this compulsory association of soft coal. They had their own hydrogenation processes. This visit which took place on the 1st of October, 1934, in my opinion was instigated by the Reich Ministry of Economics. I was present during this visit because I was present in Leuna. I gave these people a lecture about Leuna. Dr. Pier gave a lecture about hydrogenation. Undoubtedly, the purpose was to orient this compulsory association technically.

If the Prosecution is of the opinion that General von Boeckelberg acted as a representative of the Wehrmacht, then I must say that I can only remember that Herr von Boeckelberg had resigned from the Wehrmacht. As far as I know he did so at the beginning of 1934, and that he took a job in industry. At any rate, I played merely the part of a technical man for informing the other people present, - to enlighten them about technical questions.

Q During the foundation of Brabag, did you hold any office, - did you fulfill any function, were you the technical instigator, or were you the leading technical member of the Vorstand?

A No, at first I was not at all in the Vorstand of Brabag. I conducted the license negotiations on behalf of Farbion with Brabag in 1934-35. In the Vorstand of Brabag for the technical consultations we had Professor Krauch. Because we were here concerned with a new process, the enterprise undoubtedly needed technical advice, and this advice was given on an honorary basis by Professor Krauch at the time.

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When Professor Krauch then took over the Reich office and could hardly exercise any function in private industry any more, I succeeded Professor Krauch as honorary advisory member of the Vorstand, since I was an expert in this field.

A Other plants however also took up this hydrogenation process besides Brabag. How about them?

A I mentioned briefly that a whole group of anthracite hydrogenation plants and anthracite mines took up hydrogenation, for example, the Hybernica mine, the Geleenberg Gesellschaft, the Rheinische Braunkohle, at Vesseling. All these were firms that had approached Farben for a better utilization of their own coal, and these firms were granted licences by Farben.

Another enterprise was the Hugo Stinnes enterprise. They had developed their own hydrogenation process and they joined us in the patent field which caused an extension of our contract with Standard Oil. All these things however, as far as I know, were always undertaken for economic reasons by these gentlemen. They were interested in utilizing their anthracite, or their coal in general to best advantage. They checked to find the best way to utilize their coal, and upon this consideration they based their decisions. The fact that the general situation of the German fuels market caused an increase in consumption was known to everyone. The fact that the foreign exchange situation was critical for getting these fuels was a generally known fact.

Q What have you to say in answer to the assertion that all these plants had been kept secret and that they were financed exclusively by the Reich?

A I don't know anything about that. As far as we had anything to do with the hydrogenation plants — and these people were our licencees — we never kept these plants secret. We conducted our American friends through these plants and we visited some of them together. Besides that one could read publications about these fuel plants. The last factory, in Poeslitz plant itself, which we constructed with Standard and Shell, depended on the importation of heavy petroleum, a very interesting chemical problem, and this coal was used not only for processing but also other imported materials difficult to process.

I want to recall to you the last plant that was built in Bruck;

that is in the Sudeten part of Czechoslovakia. This plant was discussed with our partners of the International Hydro Patents Company because a new situation in our contracts arose as a result of this construction.

In other words, I don't know anything about the secrecy that was observed. It was generally known in Germany and also abroad.

Q Were the production figures of these plants kept secret?

A No, as far as I know that was not true either, for I believe such figures cannot be kept secret. They become familiar as a result of consumption. Whether the total sum of these figures was kept secret, I don't know, but it would be improbable because this did not apply to the entire field of mineral oil but to only a certain part of this sector. In certain letters, of course, that had production figures totaled up, we had a secret rubber stamp. That was quite generally true in Germany, for one must not forget that as has already been explained here, the secret stamp was on almost every letter.

Q Dr. Bustofisch, can you indicate approximately how high the entire production of the synthetic fuels was in comparison with the domestic consumption of fuels? For this purpose you might look at your document 102, in Book 1, page 56.

A Yes.

DR. FLAUGHER: Mr. President, these charts are attached after page 57.

A May I add something in regard to your previous question? Concerning the financing of the Reich of these hydrogenation plants I know only that the financial matters were handled by the individual enterprise. They were never discussed in any form anywhere, at least not in my presence.

In regard to the German production of synthetic motor fuels, Table 1 in Document 102 gives some explanatory figures. It is listed here how this production developed. Apart from Wehlheim, and to the Bruex plant, these hydrogenation plants were licensees of Parbon. One can see that, until 1939, 977,000 tons were produced synthetically.

From the Fischer process 338,000 tons approximately must be added to that. So that the total synthetic production amounts to 1.3 millions. Farben's share in this was thirty percent. I have stated previously that our total requirement of mineral oil at that time was 3.7 million tons. These figures are schematic because in Wuhlheim fuel oil and gasoline was produced and in time according to a very low temperature hydrogenation process, Diesel oil was to be produced.

At any rate, this production could be called the synthetic production. To that in Germany we must add petroleum production, benzol production, and gasoline production. From all of this resulted the imports that we still needed after all this production.

Even light fuels, in 1938, this import was still very high, as can be seen from my documents.

The next chart, No. 2, I shall mention briefly. These are compilations about the further development of this production, and one can see that during the war it was demanded that this production be stepped up. The maximum productions are listed as 3.7 millions, a production which of course was not sufficient for requirements, but other productions were added, such as petroleum production. That is what I have to say to this question.

Q Dr. Bueterfisch, I must again ask you in this connection whether from the amount of these projects you could or had to draw conclusions about any military intentions.

A No, from these figures I could not make any conclusions because in my opinion all these production figures were caused by the normal economic development, and I must reiterate that in case of all synthetic manufacturing processes the entire demand of German mineral oil industry--and here we must add lubricants, gas oil, and lubricating oil which were also to be produced synthetically and which were partly produced synthetically -- and that all this production did not even suffice to cover one half of the demand. For that reason a normal-thinking technical man could not regard the expansion of these productions

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as harboring any warlike intentions.

DR. FLAEGESHAUS: Mr. President, in connection with this subject of the granting of licences to hydrogenation plants outside of Farben, I should like to offer the following documents from Document Book 4. First of all, on page 27 of the document book we have Buchsfisch document No. 268. This is a meeting of the Working Committee, which will bear Exhibit No. 73. The next document, on page 28, is an excerpt from the Reich's Legal Gazette about the establishment of compulsory industrial syndicates. This will receive Exhibit No. 74.

The next document on page 35 is Bucofisch No. 100. This is an affidavit of Dr. Hochschwender. I ask that this be given Exhibit No. 75. This refers to Bucofisch's position in the Brabag and refers in particular to those questions that I put to Dr. Bucofisch here about the conclusions which one might have made from the production of synthetic fuels, or which one allegedly should have drawn from this production.

The next document, Bucofisch No. 89, I ask that it be given Exhibit 76. This is an affidavit of Dr. Herbert von Falbert, who makes statements about Dr. Bucofisch's statement in the Vorstand of the ER.B.G.

The next document is Bucofisch document No. 88, to be found on page 43 of the document book. This deals with the same subject matter. I ask that it be given Exhibit No. 77.

The following document, Bucofisch No. 293, is an affidavit of Hans Erich Chaudin, this will become Exhibit No. 78. This explains the foundation of ER.B.G.; the composition of the Vorstand of that company. The exhibit also deals with Brabag's production and the purposes that this production served.

The next document is an affidavit of Dr. Heinz Schoef. This is Bucofisch Document 296, which will become Exhibit No. 79. This outlines the field of activity of Dr. Bucofisch in the ER.B.G. again. The next document is Bucofisch document No. 55, an affidavit of Oberbergstratz. I ask that this be given Exhibit No. 80. This affidavit describes the motives by which Elbernia decided to construct a hydrogenation plant.

The following document, Bucofisch No. 19, which is an affidavit of Dr. Friedrich Wilhelm Schulze-Buxleho, I ask to be marked as Exhibit 81. This describes the considerations that were of importance for the Gelsenkirchener Bergwerks, A. G., for the formation of the Gelsenberg-Benzin, A.G. First another process was taken into consideration, but then they decided upon the practicability of the proven Farben process;

and then the next document will be Exhibit No. 82. This is an affidavit of Dr. Mauller v. Blumencron, to be found on page 52 of the document book. The affiant is a member of the Vorstand of the Union Rheinischer Braunkohlendraftstoff, A.G.

The next document is an affidavit of Dr. Kurt Wissel. This is Bustofisch document 18, which will become Exhibit No. 82, and makes statements about the foundation and the purpose of the foundation of the hydrogenation plants in Pöhlitz that have been repeatedly mentioned here.

THE PRESIDENT: Dr. Flachener, your last exhibit, I think, will be 83. You said 82, or at least that is the way we heard it.

DR. FLACHENER: 83? Mr. President, thank you very much. Now, Dr. Bustofisch, please explain to the tribunal the contract which Farben concluded with the Reich Ministry of Aviation about the production of aviation gasoline.

A. Dr. Flachener, I don't know whether you have overlooked -- forgotten our lubricant oil production which should be mentioned briefly in document book I, page 103. May I do that now?

Q. Please go ahead.

A. In Document Book I, No. 103, the synthetic production of lubricating oil by Farben is mentioned briefly and here ...

Q. Dr. Bustofisch, we shall speak about that later, but it is perfectly all right if you want to talk about it now. Go ahead, please.

A. During the examination of the witness Elias, it was stated that the synthetic production of lubricating oil in Germany constituted a preparation for war; that one would have had to recognize it as such. In that connection I want to mention briefly that the production of lubricating oil in Germany as such -- the synthetic production was not only undertaken by Farben, but also by the foreign firms, that was the Shell Group and the Vacuum Oil Company; that was the Ruhrchemie, and the Rhein-Preussen firm also took up synthetic production of lubricating oil in such small amounts that in the final analysis they only served the

purpose of experimentation, testing out how synthetic lubricating oil might fit into German economy, and, of course, also for utilization for the army - that is quite clear, for employment in the air force. I believe that is always the consideration in all countries. May I answer your question now? As far as I remember you said that I should comment about the contract of aviation gasoline which the Munitionswerk Merseburg -- that is Farben -- concluded with the Aviation Ministry. In order to comment on the product of aviation gasoline altogether, I gave certain fundamental statements about it in one of my document books. The concept of aviation gasoline is often misunderstood or misinterpreted. After all, aviation gasoline is -- that is, if you speak of the normal aviation -- basic gasoline which is contained in the normal gasoline, that is used for automobile purposes. I am not going into the technical details, but essentially aviation gasoline begins to boil somewhat later and stops boiling somewhat earlier. One makes a cut, as one says, and that was the first choice of aviation gasoline in America; that was why one took iso-butyl gasoline -- that is, those gasolines that had a high octane rating. That was explained by the witness Elias in the box here. We, of course, tried to produce something like that synthetically and to grope our way towards these gasolines because they were composed differently chemically. One must not neglect the fact which is self-evident that, of course, the Aviation Ministry took an interest in this. They asked us if we were able to produce aviation gasoline. We sent them certain samples at the time, and since they were willing to expend more money for aviation gasoline than for normal gasoline, we, of course tried to produce it. That was set down in our contract. We furnished this gasoline. It was however, sold by way of the sales companies, Shell and Standard. I want to say here that the Defense ministry also participated in this contract as can be seen from the contract itself. They said, "We are interested in having you produce more in certain contingencies." We said, "If you don't want to have this constantly, then if you should ever

demand it --" and that was quite possible in view of the foreign exchange situation at the time -- "you must tell us: Farben, you'll have to have a contract ready." Then we said, "You have to pay us a certain amount of money for that." As such this was not a stand-by plant, but a normal financial and industrial contract which ordered us to furnish certain amounts of gasoline, just as other companies also supplied this gasoline to the Wehrmacht.

Q. Was gasoline suitable for aviation imported to any appreciable amount?

A. I don't know where this was bought individually, but I know that, of course, this aviation gasoline was imported from America. They had suitable aviation gasoline. We had the poorest gasoline in Germany. We had not yet developed our soft coal derivatives sufficiently to get the proper chemical combination as had been done for other choice gasolines. We never succeeded in that by way of the soft coal; anthracite was better, but of course, we tried to get into the market on the basis of our contract. It was more a commercial affair. Of course, these were only small quantities. The imported amounts were certainly larger, but I don't know anything about that.

Q. Dr. Gustafisch, quite briefly comment on the assertion that tetraethyl lead plants, or to put it this way: plants for the production of tetraethyl lead, which were mentioned in documents NI-7622, Prosecution Exhibit 535 in Book 27 on page 162, and Document NI-7127, Exhibit 536, in Book 27, and the fact that these negotiations lead to the construction of tetraethyl lead plants should have caused you to draw conclusions as to the military intentions of the government.

A. I can say about this that these tetraethyl lead plants arose as a result of official negotiations that took place with Standard Oil. These negotiations were conducted at the time, as far as I remember, by Dr. Mueller-Conradi. I personally didn't have anything to do with these negotiations because the Ethyl Corporation, a special company, had been founded which was also administered by Dr. Mueller-Conradi as a business manager. This corporation sold its tetraethyl lead in the German market, and I remember well that this was imported into the various parts of Germany for the normal automobile traffic. Tetraethyl lead was, of course, also used for the air force, and the aviation people were contacted about that. That can be seen from the documents.

The Air Ministry as such was also competent for civilian aviation, and this tetraethyl lead consists of the octane rating which was of

absolute importance for the airplanes in order to increase the efficiency of the airplane motor. They needed gasoline with a higher octane rating. At any rate, the existence of these plants were a well-known fact, and certainly well-known to the Americans.

Q. We now turn to iso-octane. In that connection, please look at the Prosecution's Document NI 5931, Exhibit 523 in Book 26 on page 94. This document deals with a conference about the production of iso-octane and which was held in the Aviation Ministry in 1935. What can you tell the Tribunal about this matter?

A. First of all, I must say that I didn't participate in this conference which doesn't mean, however, that I didn't learn about it later. I was not responsible for this part at the time, but I know that iso-octane was discovered in Ludwigshafen. That is an old invention from 1931. The American publications said that iso-octane was extremely efficient fuel, so-called super aviation gasoline, that could be produced from waste gasolines and from cracking processes. We knew that it could also be produced from carbonic oxides. The Aviation Ministry bought this iso-octane at the time from America. It was, of course, much more expensive, and as far as I remember, the Air Ministry at the time asked whether carbon couldn't furnish such gasoline also; but Dr. Mueller-Conradi at the time explained to these gentlemen that they could do that, but that it would be much more expensive because, as he said, "We have to make this by way of alcohol. We don't have any crack gases. We don't have any olefins as it is expressed chemically." At the time, the Air Ministry was interested in nevertheless producing iso-octane. That is how I came in contact with this problem. I explained to these gentlemen that I considered the production of iso-octane by way of alcohol as unprofitable and as the technically incorrect method because, in my opinion, I said, "The technical methods that the Americans had taken was the only correct one." I said that we didn't have any raw materials, of course, but I said that one should not forget that certain waste gases accumulated in hydrogenation which, of course, had to be processed first and that a certain way had to be found as to how they are to be processed;

but I considered a development of this iso-octane by way of alcohol as completely irrational. This opinion I submitted to the Air Ministry and the technical experts there quite clearly and frankly. A similar case occurred perhaps in the Buna field where a process of four stages was to be introduced in America which as Dr. von Meer explained, would have been nonsense economically unless a definite purpose had been pursued by this method, for instance to wage war. For that reason, I rejected any development of this iso-octane by way of alcohol by Farben. I said, "If you want to know my opinion, then I must say that this should be solved in a technically completely different way. It can be solved technically." That was the opinion that I expressed quite clearly to those gentlemen.

Q. How did the Air Ministry react to your opinion?

A. The Air Ministry as such continued to import iso-octane from abroad, from America. They used it for some of their airplanes probably, but I don't know that; but they asked us to construct small experimental plants for the production of this material by way of iso-butyl alcohol. We didn't reject this request. Quantities of from 1 to 5 thousand tons per year were produced, and again for reasons of economic considerations that the higher rating alcohols that accumulated at the time should be used in the solvent market by us. It was quite clear to me from chemical literature and from what we learned from the Americans that the trend taken by the aviation industry was towards using high octane gasoline because they achieved better efficiency, and in America from 1935 and '36 on, and produced large amounts of iso-octane. I must mention here that the last stages for the production of this iso-octane originates from Farben, for we had worked out the hydrogenation of iso-butyls by way of alcohol. This process was made available, of course, because of our contract for exchanging experiences; and in 1939 there were various large scale plants producing iso-octane, the super aviation gasoline, and they did so with our contract and with our process. In 1938 in Germany we practically had no iso-octane at all and that is, what is really called aviation gasoline because for the high efficiency motors this was absolutely necessary.

Q. If I understood you correctly, you say that this so-called aviation gasoline that you produced in Loune was not a high efficiency aviation gas, that no production capacity in Germany was available for iso-octane. Does that sum up your statements to this point?

A. Undoubtedly it is correct the way you have explained it.

Q. Dr. Buctefisch, I should be grateful to you if you would revert once more to Document Book 1, Buctefisch Document 102.

A. It is on page 56.

Q. Turn to the last two charts, 3-A, and 4-A.

A. Yes.

Q. Would you please explain these to the Tribunal briefly?

A. This represents what I have related just now. In Germany, as shown by Chart 3-A, in 1938 - 1939, we had only a small amount of aviation gasoline under production. What is depicted in the gray column in Chart 3-A and which represents aviation gasoline are normal gasolines that accumulate during hydrogenation. We called this the basic aviation gasoline.

Q. If I understood you correctly, this is the basic aviation gasoline without any particular octane rating?

A. Of course, we had a minimum figure prescribed for the basic gasoline, but even if tetracthyl lead was added, we only achieved an octane rating of approximately 85 to 87; whereas if iso-octane was added, one reaches the octane rating 100 under the same conditions, and this is the aviation gasoline that is needed by the fighter planes. These are the 100 octane rating gasolines. They are depicted on chart 4-A. One can see the production figures of the United States and the British Empire compared in the shaded lines. The line with the little crosses on it are German production figures. This high efficiency aviation gasoline, which undoubtedly determines the efficiency was valuable to all of aviation, was not available in Germany. We could have produced it by way of isobutyl alcohol, but we didn't do so, and I remember -- I know that after the war broke out, statements were made which said that the Germans couldn't compete with their air force because they didn't have the proper gasolines. I believe this can be seen from these charts and figures.

DR. FLAUGHER: Mr. President, I should, now that we have concluded the aviation gasoline chapter, offer the documents referring to this chapter. On page 55 of document Book 4, we have the affidavit of Dr. E.R. Fischer. This is Bucofisch document No. 21. I ask that this document be marked with exhibit number 84. The next document on Page 57 is an affidavit of Dr. Ludwig Astar. This is Bucofisch document No. 15 and will be marked as Exhibit No. 85. This affidavit proves that the aviation gasoline produced by Farben was only a so-called basic gasoline, and without any particular additions, was not at all suitable for airplane motors of modern design. From this affidavit, it can be further seen

what has been described on the chart, namely, that iso-octane and other additional materials were produced in Germany only in very inadequate proportions.

The next document on page 59 is Buctafisch No. 65. This is an affidavit of Dr. Friedrich Ringer. I ask that this be marked as Exhibit No. 86. Ringer confirms that the so-called aviation gasoline of Farben was only a modification of automotive gasoline. He says that the development by Farben of the iso-octane process was well known in the non-German world. He says that already in 1936 Farben had discovered their own process for iso-octane production, but that for technical and economic considerations, Dr. Buctafisch had decided in favor of a more economical solution, by the utilization of hydrogenation waste gases, but he says that this process had never gone beyond the stage of experimentation. The next is a record on an oil conference. This is Buctafisch document No. 51 on Page 65. I ask that it be given Exhibit Number 87. This conference from 1939 confirms that Standard and Shell had plants under construction to produce iso-octane from the crack gases. Then there is a small remark which states that Farben owned a process for the iso-octane production by way of iso-butyl alcohol.

The next document, to be found on Page 70 of document book 4, is an affidavit of the special consultant in the Air Ministry by the name of Bernd Muecklich. This is Buctafisch document No. 74. I ask that this be marked as Exhibit Number 88. Muecklich says that Farben wasn't prepared to build a large plant for their process of producing iso-octane. He says that Buctafisch, in particular, had considered the processes uneconomic and that he was in favor of waiting for the result of an organic development in order to produce iso-

octane from waste gases from hydrogenation. He says that the Reich Air Ministry desisted from their demand of constructing a large plant. In 1937 they demanded that a small plant of 4000 rising to 6000 annual tons were built at Leuna. The fact that as early as 1937 the Air Ministry was in a position to demand the construction of a small plant by the Leuna enterprise, should be of special interest. From this, it can be seen how strong the influence of the authorities affected private industry in Germany already at that time. The affidavit further shows that the iso-octane needed by the Reich Air Ministry was bought in America via the subsidiary companies of Standard and Shell. This concludes the presentation of documents from my book No. 4.

Q Dr. Buctofisch, it has been mentioned repeatedly that you had been an associate of the Plenipotentiary General for Chemical Production Questions. I want to ask you initially: from the knowledge and the documents that you had access to, didn't you have to conclude that the Government had certain intentions, and didn't you have to conclude that the Government had certain warlike intentions, aggressive intentions?

A In that connection, I must say that I was a so-called honorary collaborator in the Reich Office for Economic Development, "Gobecham". This was a designation for those gentlemen from industry who from time to time, when it became necessary, made available the specific knowledge they had from their technical fields. I am sure that there were more than 100 such gentlemen. I don't know their exact number. I know that we were given this general title of honorary collaborator. We were also called technical consultant, Fachreferent, from industry. I know, of course, a whole number

of people who worked together with me and who were consulted about such technical information in the mineral oil field, such as Professor Martin of the Ruhr Chemie for the Fischer process in the petroleum field, the experts Brockhaus and Keller in the gasification field. There were other people, and in the hydrogenation field, there was Dr. Pier for anthracite, I myself expert for soft coal, etc. This was a customary arrangement, that the Reich Office or the Gobscham, which is Dr. Kersch, asked us about technical advice if he had any questions to be discussed. This was, however, not an official designation but it was an honorary activity where we were consulted.

Q Did you have any authoritative character? Did you have the standing of a civil servant? Did you have the authority to issue any directives?

A No, not at all. As I have already stated, it was a purely honorary and temporary activity, according to the needs. If technical questions cropped up, we had to give our opinion. I had no authority to issue instructions, nor did I have the right to look into certain files, nor did I have any office there. I was just called up and I went there, and then I gave advice as far as I could.

Q Did you receive knowledge or insight into overall projects that were drafted in the offices of the Gebochem?

A No. These were secret Reich matters — secret affairs that overlapped into other fields. They didn't interest me, and I had nothing to do with them, and on those I couldn't have given any technical advice.

Q Did you know the so-called "Bible" of the Gebochem?

A No. I made its acquaintance here, where I saw it for the first time in the documents.

Q Did you learn anything about the plans in other fields such as light metals, explosives, or something like that?

A No, that wasn't my field of work.

Q Did you know the so-called rapid plans — the accelerated plans?

A I didn't understand what you said.

Q Did you know the so-called accelerated or rapid plans that were discussed here?

A No.

Q A document was submitted here from which it is supposed to become evident that the office for German Raw Materials and Synthetics had sent you to Keppler. How can this be explained?

DR. FLAETSCHER: Mr. President, this is Document III-8591, 8-5-9-1, which is Prosecution Exhibit 409, on page 89 of Book 19 in the English

Q Make some comment about that document, please.

A I read this file note and I remember that Dr. Krauch at that time undoubtedly gave me the mission to visit Mr. Keppler and to inform that man about the plans for the hydrogenation plants, for these projects were known to us — were known to me, since I had participated in the initial negotiations on licenses. That was not a secret matter. It was known that Scholven, Gelsenberg, Brobag, and I don't know who else, were building hydrogenation plants. Since Mr. Keppler took an interest in it, he probably asked Mr. Krauch, who in turn asked me, because I knew about it, to go to him and explain about those individual matters. That is what I remembered after I read this document. I must say, however, that I never

went there on behalf of the office for German Raw Materials and Synthetics, but I went as Mr. Buefisch, who had been asked to do Mr. Kramm the favor and to go to Koppeler. I wasn't working for the Office of German Raw Materials and Synthetics.

Q Another document, HI-4471, 4-4-7-1, Prosecution's Exhibit 114, on page 123 of Book 19 of the Prosecution. It contains a file note about a conference which took place in October 1936 in the Laenderbank, in which you participated. At any rate, you are listed as one of those who participated. What have you to say about it?

A I read this document and I gathered from it that the Ruhr industrialists at the time came together in a conference in the building of the Laenderbank. From this the Prosecution has concluded that this was a Farben affair, but this was only a favor shown by Farben to the gentlemen of the Ruhr industry that they made the room available to these in the Laenderbank building. I myself participated in this conference as a guest. The Ruhr industrialists asked that I attend. From this conference it can be seen that a program of the Raw Material Staff was discussed. I participated in this discussion. That was a private discussion — a discussion of private enterprise character. From this record it can be seen that the Ruhr industrialists asked me to participate in various commissions and I acceded, for undoubtedly we were interested in discussing technical problems with the Ruhr industrialists. In the Ruhr area there were already certain hydrogenation plants. At any rate, I must say that this record says that Dr. Pott was there as a representative of the Raw Materials Staff. Dr. Pott and Dr. Weller, who is also mentioned, and many other gentlemen were honorary associates of the Gobechem., just as I was one. That is to say, they were consulted when they were needed by that office for giving information. In summary, I must say that this has nothing to do with Farben and with my person directly.

Q Can you say briefly what the result of this conference was, in your recollection?

A From this record one can see that one discussed primarily what is to be done in certain technical questions. There was a long discussion about the gasification of anthracite, for the opinions varied, and the gentlemen held different opinions about the development of these plants, but I don't remember any details of this conference.

DR. FLAUBENBERG: Mr. President, may I, in connection with the examination of my client, offer those documents which deal with Dr. Buetefisch's activity as an honorary member for the Gebechen. You will find that in Book 5.

The first document is an affidavit of a certain Dr. Krampehl. This bears Document No. Buetefisch 45. I ask that it be marked as Exhibit No. 89.

Krampehl was a referent for mineral oil with the Gebechen. He makes statements about Dr. Buetefisch's activity as an honorary collaborator. Important from this affidavit is the statement of the affiant that the entire overall plans were not available to these honorary associates and that even the regular experts were informed of only a part of these overall plans.

The next document is Buetefisch No. 46, an affidavit of Dr. Hermann Zorn, to be marked as Exhibit No. 90. P-O. Dr. Zorn states that the number of honorary associates was very large, that these people were called in from all parts of industry, that the activity of these honorary associates consisted in advising the Gebechen on scientific and technical matters, but that these honorary associates didn't work on any projects, nor did they have any right to make decisions.

The next is Buetefisch Document No. 34, on page 6. This contains an affidavit of Dr. Sauer. I ask that this be marked as Exhibit No. 91.

The next is Buetefisch document No. 40, on page 9. I offer this as Exhibit 92. This is an affidavit of Dr. Pott. It is offered in connection with the Prosecution Exhibit 444, Document NI-4471.

The next document contained in my book and which belongs in this chapter is Buetefisch Document No. 41, on page 13 of the Document Book.

This is an affidavit of Dr. Henning, offered by me — Correction. This has already been offered. This document is again produced here in connection with the Prosecution's Exhibit 409. Document HI-8591 of the Prosecution.

THE PRESIDENT: What number does your document 41 — what Exhibit number does it bear, Doctor?

DR. FLAEBISNER: 27, your Honor. Correction — 26. I beg your pardon. That's correct, isn't it? It has been offered as Exhibit No. 26.

THE PRESIDENT: All right.

Gentlemen, we will at this time recess for the day, and the Tribunal will reconvene at 9 o'clock tomorrow morning.

(The court recessed until 0900 hours, 9 March 1948.)

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MILITARY TRIBUNALS
Nuernberg, Germany
 UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

THIRD JOINT MOTION OF THE PROSECUTION
 AND DEFENSES TO CORRECT THE ENGLISH TRANSCRIPT

The Prosecution and Defense herewith join in moving that the Tribunal order forthwith that the corrections indicated below be made in the official mimeographed copies of the English transcript:

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10152	8598	11	Insert "might arise from" after "effects which".
10153	"	20	Change entire line 20 to read "of exclusion of documents put in later".
10154	"	21	Delete "to be translated".
10155	"	22	Insert "defense" before "evidence".
10156	8599	2	Change line 2 to read "April, and that the deadline for closing of the defense case is not only".
10157	"	3	Delete first word "be".
10158	"	16	Change "that the comparable" to read "that the time allowed in comparable".
10159	"	17	Delete "and consideration be given to the time that they allowed."
10160	"	18	Change "to make that the" to read "used as a".
10161	"	21-22	Change from "chambers" in line 21 through line 22 to read "chambers before a new decision is made."

8697 (-1-)



Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10162	8599	22-23	Insert after line 22 and before line 23 "JUDGE SHAKE: I only wish to make some remarks and then give Judge Hebert an opportunity to deal with this matter, as he dispatched it for the Tribunal."
10163	8700	3	Insert "by providing that" after "arise".
10164	"	3-4	"submitting" should be "to submit". Place comma after "April 1st". Also place comma after "proving that".
10165	"	5	"would be done" should be "could be done".
10166	"	8	Change line 8 to read "in spite of all diligence could not be presented by April 1st. If somebody finds out that there".
10167	"	19	Insert "the" before first word "time". Also insert "in" after "granted".
10168	8702	22	Insert "in" before "briefs."
10169	8703	24	Change "Council; the questions touching upon Farben and the" to read "Council on behalf of I.G. Farben, while".
10170	8704	5	"Mr. Crossback," should be "Mr. Grunzig".
10171	8707	8	Change third word "Oil" to "Col" and place comma after it.
10172	8709	1	Insert "during the war" after "Group". Place question mark after last word "distribution".
10173	"	2	Delete line 2.
10174	8710	7	Insert "touch" before last word "the".
10175	"	8	Change entire line 8 to read "field of Economic Group Motor Fuel industry."
10176	"	9	Delete "Industry."
10177	"	10	Insert "Q." before "Excuse me".
10178	"	14-16	Change from "myself" in line 14 through "they refused" in line 16 to read "myself with these questions, and therefore

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10178(cont'd)	8710	14-16	I can also say with respect to these documents, this concerned the producers of the coking—tarzol and tar distillates, and they refused".
10179	8710	17	Change "raw materials" to "cost prices".
10180	"	22	"NI-5530," should be "NI-5560,".
10181	8712	13	"I never heard" should be "I over heard".
10182	"	24	"that was was" should be "that war was".
10183	8713	22	"one is" should be "someone is".
10184	"	23	Add "that" after last word "at".
10185	8714	21	"there things" should be "these things".
10186	8715	16	Change "the basis of the affidavit", to read "in the form of an affidavit,".
10187	8715	23	Delete "which" before "might".
10188	"	24	Delete "they only mention". Insert "were mentioned only" before "conditionally,".
10189	"	25	Insert "in" after "reservation".
10190	8716	18,21, 25	"yound" should be "young".
10191	"	32	"that had nothing" should be "that has nothing".
10192	8717	2	Delete first word "that".
10193	"	17	"that we discussed" should be "which we had discussed".
10194	"	18	"by us" should be "from us"
10195	8718	14	Change period to comma after "contract". Next word "That" should be "which".
10196	"	16	"comprise" should be "compromise". Delete next words "this way".
10197	"	22	"Industry" should be "Industrial".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10198	8719	1	Insert "as a supplement to this exhibit" after "Mr. President,".
10199	8720	11	"latter affidavit" should be "last affidavit".
10200	"	20	Change "Yes, it really fits in here." to read "No, it really does not fit in here,".
10201	8721	6-7	"were intentionally concealed," should be "was intentionally withheld,".
10202	"	12	Insert "mineral oil field," after first word "the".
10203	8722	3	Change "one minute, I just say that" to read "I am sorry. May I say first that".
10204	8723	11	"as such licenses" should be "of such licenses".
10205	"	16	"40-50" should be "40-45".
10206	"	22	Insert "so," before "the entire group, that is,".
10207	"	23	Change line 23 to read "as well as England and Germany by themselves. I no longer recall the".
10208	"	27	"about the methane split" should be "the methyl and methane split".
10209	8724	19	Change "Dr. BUETZFISCH;" to "DR. FLAUCHNER;".
10210	8727	20	Change "is in execution" to "has been executed".
10211	8728	15	"these specific" should be "the specific".
10212	8729	12	Delete "and" after "plants".
10213	"	13	Delete "at the respective plants".
10214	"	20-21	Change "which were our aims for" to read "the aim of which was".
10215	"	25	"did lend" should be "lends".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10216	8729	28	"work do not" should be "work does not".
10217	"	29	First word "tried" should be "try". Last word "could" should be "can".
10218	"	30	"but I learned" should be "and I learn". Also "I proceed" should be "to proceed".
10219	8730	1	"how I under(stand)" should be "as I I under(stand)".
10220	"	6	Second word "lead" should be "led".
10221	"	8	"responsibly in charge" should be "responsible".
10222	"	9	"at one time" should be "at any time".
10223	"	10	Change "in themselves of this change of" to read "with respect to this exchange of".
10224	"	13	"included into" should be "included in the".
10225	8731	29	"should play" should be "were to play".
10226	8732	1	Change "that is the chart which was submitted -- we see" to read "from the annexed chart which was submitted -- we can see".
10227	"	7	Change "branch's obligations" to "inter-locuments".
10228	"	8-9	"collaboring" should be "collaborating".
10229	"	9	Change "this process" to "the oil-hydrogenation process".
10230	"	12,21	Insert "oil" after "mineral".
10231	"	20	Delete last word "only".
10232	"	21	Change comma to dash after "signed". Insert "oil" after "mineral".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10233	8733	26-27	Change "because of our aviation programs." to read "regarding aviation gasoline." Insert "not" after "asked".
10234	"	28	Delete "about" after "we had".
10235	"	30	"In any way," should be "In any case,".
10236	8734	5	Add "Standard and" after last word "with".
10237	"	21	"tasks." should be "tasks."
10238	"	25	First word "meant" should be "means".
10239	"	26	"ethylene" should be "ethylenic". Insert "which is often mentioned in the documents" after "lubricating oil".
10240	8735	2	Insert "no" before "unfairness".
10241	"	23	Change "referring to 10463, which is the" to read "NI-10463, referring to the".
10242	8736	16	Change "percent or half a" to read "to one and a half".
10243	8737	24	"Document 10467" should be "Document NI-10467,".
10244	"	26	Change "and we should try everything to" to read "so that it was possible to".
10245	"	27	Change line 27 to read "the relation between Standard Oil and ourselves, and to further it."
10246	8738	21-22	Change from "letter" in line 21 through "from the fixing" in line 22 to read "letter, respectively at a later meeting to be held in the spring of 1940 with Mr. Howard. From the fixing".
10247	8739	17	"in 1945" should be "in March/April 1940".
10248	"	18	"Mr. Espori" should be "Mr. Asbury".
10249	"	24	"and demands" should be "and would depend".
10250	8740	6	Place quotation marks after "continued,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10251	8740	7	Place quotation marks before "Dr. Buotofisch".
10252	"	16	"one case that told" should be "one case in which I told".
10253	8741	3	"WI-10451" should be "NI-10551".
10254	"	4	Change "about an article" to read "to an article by Mr. Haslam."
10255	"	5	Place period after "Times" and delete next words "by Mr. Hasler."
10256	"	9	"Mr. Hasler" should be "Mr. Haslam".
10257	"	21	Change "excutions," to "events,".
10258	"	22	Change line 22 to read "responsible, who was looking at the matter from an economic viewpoint. But this".
10259	8742	29	Change "there is proof of the" to read "I quote: 'A proof for the'"
10260	"	31	Change period to comma after "Farben". Change "the contract on" to read "is the contract concluded in October 1938 on".
10261	"	32	Insert "concluded in August 1938" before first words "on the". Place period and quotation marks after "field". Delete next words "are good examples."
10262	8743	1	Delete "the" before "Farben".
10263	"	10	"not even from" should be "also not from".
10264	8746	7	"informally" should be "informally".
10265	"	24	Change "Exhibit" to "Document".
10266	8750	7	Third word "state," should be "stage,".
10267	"	28	"Hydrogroning" should be "Hydrogenation".
10268	8751	10	"Anglo-Indian" should be "Anglo-Iranian".

Item Transcript
No Page Line(s)

PROPOSED CORRECTION

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10269	8751	27-28	"I generally refrain from making any other quotations otherwise." should be "I have generally refrained from making any quotations."
10270	8752	4	"facilitate" should be "facilitate".
10271	8756	4	First word "case" should be "care".
10272	8758	2,5	"forest workers" should be "forced workers".
10273	"	15	Change "came, when they stopped being voluntary" to read "came voluntarily".
10274	"	21	"to work with these things next to" should be "to be concerned with these things in addition to".
10275	8759	13	"I knew" should be "I know".
10276	"	15	"requested by" should be "requested from".
10277	"	21	Insert "or new constructions" after "production".
10278	"	22	Insert before last words "as much"; and "planned war economy".
10279	"	23	Delete "leader" after "plant".
10280	"	24	"similar again" should be "exactly as follows".
10281	"	25-27	Change lines 25, 26 & 27 to read "priority number either for construction or production. Then on the basis of this priority number the plant requested manpower from the Gen Labor Office in the same way as before. And now again one has to deal in the details."
10282	"	28	Delete "Now, of course." Begin paragraph with "The provincial".
10283	"	29	Change line 29 to read "as far as I heard and as I informed myself in general outline — this".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10284	8760	7	Change "workers available" to read "workers and material at your disposal".
10285	"	23	Place comma after "40 or 41" and delete next word "because".
10286	"	29	Change "the gentlemen always told me:" to read "the technical men often said to me:".
10287	"	30	Place comma and quotation marks after "difficulties". Change next words "when we operate" to read "for instance in the operation of". Place comma after "machine".
10288	"	31	Delete quotation marks after "against it."
10289	8761	1	"this government" should be "these govern-ment".
10290	"	13	Change period to comma after "No" and complete answer with "certainly not."
10291	8762	1	Delete second word "the".
10292	8763	6	"the number" should be "the page number".
10293	"	7	Add "too." After last word "correct".
10294	8764	12	Place comma and insert "etc.," after "in Leum".
10295	"	17	Change line 17 to read: I said that "Later at the insti- gation of Dr. Schneider," etc.
10296	"	18	Place colon after "read". Delete next word "that" and place quotation marks before "At a later".
10297	"	20	Place quotation marks after "firearms."
10298	"	24	"if you have" should be "since you have".
10299	"	31	Delete "vinicity".
10300	8765	1	Change line 1 to read "plant itself but they were being employed by the Reichsbahn or other".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10301	8765	5,7	"camp" should be "plant"
10302	"	8	Change "stockpiles on" to read "surface mines, shown there at".
10303	"	20	"obtain" should be "again".
10304	"	22	Delete "that" and place quotation marks before "I assume".
10305	"	23	Place quotation marks after "camp."
10306	"	24	Place quotation marks before "towards".
10307	"	25	Place quotation marks after "available."
10308	"	26	Add "here" after last word "corrected".
10309	"	30	"I said where" should be "I said that".
10310	8767	21	Insert "a" before "Hydrogenation".
10311	"	21-22	Change "and a technical adviser I was also for the" to read "and also technical adviser for the".
10312	"	26	Change "the Government it is to say,-- the Armament" to read "that is to say, the authorities of the Armament".
10313	"	29	Delete "had" before "was selected".
10314	"	30	Change "Kornau," to "in Kronenburg,".
10315	8768	7	Last word "a" should be "the".
10316	8769	8	Place comma after "discussed". Delete comma and "that" after "problems".
10317	"	24	"side of" should be "site of".
10318	"	25	Delete comma after "decided on". Insert "then it was also decided," after "Buna,".
10319	"	27	Delete "—then it was decided".
10320	8770	12	Change "I was not along." to read "I did not participate."
10321	8774	1	Place quotation marks after "at large."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
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10303	"	20	"abain" should be "again".
10304	"	22	Delete "that" and place quotation marks before "I assume".
10305	"	23	Place quotation marks after "camp."
10306	"	24	Place quotation marks before "towards".
10307	"	25	Place quotation marks after "available."
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10308	"	26	Add "here" after last word "corrected".
10309	"	30	"I said where" should be "I said that".
10310	8767	21	Insert "a" before "Hydrogenation".
10311	"	21-22	Change "and a technical adviser I was also for the" to read "and also technical adviser for the".
10312	"	26	Change "the Government it is to say,— the Argument" to read "that is to say, the authorities of the Argument".
10313	"	29	Delete "had" before "was selected".
10314	"	30	Change "Kornau," to "in Kronenburg,".
10315	8768	7	Last word "a" should be "the".
10316	8769	8	Place comma after "discussed". Delete comma and "that" after "problems".
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10321	8774	1	Place quotation marks after "at large."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10322	8774	15	"would not be evacuated but would stay" should be "not to be evacuated but to stay".
10323	8775	2	"sinol plant" should be "synol plant".
10324	"	4	"medium oil" should be "mineral oil".
10325	"	5	Change "wanted more" to "lack". Also change "change in" to "matter of".
10326	"	9	"Affidavit" should be "picture".
10327	"	12	Change period to comma after last word "that".
10328	8776	4	Change second word "states" to "substances".
10329	"	8	Change "increases" to "orders".
10330	8777	26	Delete last word "ahades".
10331	8778	6	"one of the" should be "one or the".
10332	"	14	Insert "that" after first word "but".
10333	"	30-31	Delete "Gradually increased."
10334	8779	1	"was requested" should be "were requested".
10335	8780	1	"date lines" should be "deadlines".
10336	"	7	"that was" should be "that is".
10337	"	8	Place period after last word "ahead". Begin new sentence with "Sometimes," in line 9.
10338	8782	19	"and had a conference" should be "for a conference".
10339	8785	12	Change period to comma after "place" and complete sentence with "on a construction site."
10340	8789	1	Delete "other" before "minutes".
10341	"	19	Change line 19 to read "Q. In connection with the employment of workers, I am".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10342	8789	21	"Book 80," should be "Books 80 and 81."
10343	"	25	Insert "chemical" before "factories."
10344	8790	29	"Oberazisk," should be "Oberlaziak,".
10345	"	30	"only coal — only power," should be "only industrial coal —".
10346	8791	2	Insert "of Pucstengrube" before first word "and". "Oberazisk?" should be "Oberlaziak?"
10347	"	5	Delete "only" before "make".
10348	"	6	Insert "only" after second word "needed,".
10349	"	26	Change "in a chemical order," to read "and the chemical tax outlay."
10350	"	32	"totally say that" should be "say again and again that".
10351	8793	17	"in that way" should be "as it was".
10352	8793	21	Add "s" after last word "had".
10353	"	24	"had asked" should be "had told".
10354	8794	3	"didn't mean" should be "wasn't meant".
10355	"	18	"Mr. Falkenhagen," should be "Mr. Falkenhahn."
10356	"	31-33	"to submit an affidavit to the witness," should be "to submit to the witness an affidavit".
10357	8795	11	Change period to comma after "talking". Continue sentence with "this".
10358	"	12-14	Delete entirely lines 12, 13 and 14, as repetition.
10359	8800	6	Delete "these were details." and complete sentence with "then many other details were changed."
10360	8801 & ff.	13, 18 & ff.	"Falkenhagen" should be "Falkenhahn".
10361	8802	4	Change "and the work" to read "and to do permanent work".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10352	8802	23	"authorities," should be "authority."
10353	8804	4	Insert "discussions or" after "special"
10354	"	6	Delete first word "about".
10355	"	13	Insert "output of coal, the" before "supply".
10356	"	20	Change "Falkenhagen told the gentlemen of Farben..." to read "Falkenham ex- plained to the gentlemen of Farben his difficulties."
10357	"	21	Change "now their active" to "gained their active".
10358	8805	6-7	Change period to comma after "time". Also change rest of sentence to read "because they did not concern me."
10359	"	14	Delete "about th/t" before "occasionally". Also delete period and "It is possible" after some word.
10370	"	17	"readily is" should be "really was".
10371	"	24	"Duch.r" should be "Duellberg".
10372	8806	5	Change first word "individual" to "pairo".
10373	"	32	Change "location in" to read "location of the Janina mines."
10374	8807	1	Change Line 1 to read "Both mines are marked on the map, so that one can re- cognize the location of Auschwitz as directly south of the Janina Mine. In between that."
10375	8808	5	Change first word "a" to "includes".
10376	"	14	First word "Wuite" should be "Quite".
10377	"	31	Insert "with certainty" after first word "say".
10378	8809	1	Delete second word "only".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10379	8809	6	Change second word "really." to read "it was like this; at first".
10380	"	12	Add comma and "Count 4." after last word "Indictment".
10381	8810	7	"let this lodge much earlier" should be "left this lodge in 1931".
10382	"	9	"but that was not" should be "but this was only said to me and was not".
10383	"	19	Change "this matter" to read "me".
10384	"	22	"governmental ofces." should be "governmental offices."
10385	8811	7-8	Place question mark after "Club" and delete "and that became a member of the NSKK?"
10386	"	8-11	Delete lines 8 through " and replace with the following: A. Yes. Q. Then you became a member of the NSKK automatically? A. Yes, Members of the DDAG were transferred to the NSKK. At least so we were informed about it and in this way I also became a member. We were informed about this transfer at the same time by the management. The NSKK asked the directors to become members. The request was made by the Glyder Flying Group of Louna and we decided to become members.
10387	"	16	Change "for any fees," to read "because of the lodge".
10388	"	17	Change "wanted their money." to read "came for the money."
10389	"	18-19	"I was asked about that" should be "when I was asked about it."
10390	"	20	Insert "of my memberships," after "list".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10391	8811	21	Insert "this with" after "connect". Place comma after "SS" and delete last two words "with that,".
10392	8812	8	Delete comma after "BraunkohlGensin".
10393	"	28	Insert "we opposed it and that" after "my that".
10394	"	31	"which had" should be "who had".
10395	8813	1	Insert "even" after "Kranofuss".
10396	"	2	Change "in view of these various movements," to read "he was aware of the fact that in such movements,".
10397	8814	2	Change line 2 to read "in such an application all things which are proscribed".
10398	"	3	Delete first word "to,".
10399	"	4	"my position" should be "the position".
10400	"	11	Change "write" to "find".
10401	8815	1	Add "partially" after last word "which".
10402	"	9	Change "they strengthened its influence." to read "and an influence."
10403	8815	2	"Party office" should be "Party offices".
10404	"	5-6	Change from "task" in line 5 through "to oppose" in line 6 to read "task, and together with my colleagues I considered it my task to oppose".
10405	"	15	Change "explicit Kranofuss acquaintance" to read "apply to Kranofuss".
10406	"	23	Insert "of the instance" before "of the Caulditer".
10407	8817	3	Change "I was able to see" to read "I appreciated greatly".
10408	"	4	Place period after "help" and delete next words "and I appreciated greatly."
10409	"	12-15	Change lines 12, 13, 14 & 15 to read "after all it is quite simple to say I

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10392	8812	8	Delete comma after "BraunkohleBenzin".
10393	"	28	Insert "so opposed it and that" after "say that".
10394	"	31	"which had" should be "who had".
10395	8813	1	Insert "even" after "Kranefuss".
10396	"	2	Change "in view of these various movements," to read "he was aware of the fact that in such movements,".
10397	8814	2	Change line 2 to read "in such an application all things which are prescribed".
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10402	"	9	Change "they strengthened its influence," to read "and an influence."
10403	8816	2	"Party office" should be "Party offices".
10404	"	5-8	Change from "task" in line 5 through "to oppose" in line 8 to read "task, and together with my colleagues I considered it my task to oppose".
10405	"	15	Change "exploit Kranefuss' acquaintance" to read "apply to Kranefuss".
10406	"	23	Insert "of the instance" before "of the Gaullester".
10407	8817	3	Change "I was able to see" to read "I appreciated greatly".
10408	"	4	Place period after "help" and delete next words "and I appreciated greatly."
10409	"	12-15	Change lines 12, 13, 14 & 15 to read "after all it is quite simple to say I

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10409(cont'd)	8817	12-15 (cont'd)	am helping without saying how. I thought it was important to get into contact with somebody who, one had to assume, had a certain influence in order to get something done for these people."
10410	8817	16	Delete "very" before "strange".
10411	"	17	Change "of these difficulties." to read "for your requests."
10412	"	18	Change "himself told me frequently that" to read "himself had a certain influence as he told me frequently and as"
10413	"	19	Delete "and that".
10414	"	30-31	Change "moderate line, in other words?" to read "moderate course?"
10415	8818	12	Delete "very much of".
10416	"	18	Change "and asked him" to read "and pointed out to him".
10417	"	20	Insert "at the time" after "He said to me".
10418	8819	23	Change "I haven't been in the Party long." to read "I am already in the Party."
10419	"	28	"for so-called honorary offices," should be "as so-called honorary officers."
10420	"	29	"my party" should be "my part".
10421	8820	7	Insert "it," after "to evade".
10422	"	21-22	Change "that's being" to "due".
10423	"	23	Place comma after "right".
10424	8821	19	Insert "or" after "parades,".
10425	8822	25	Place period after "camps" and delete next words "after some date."
10426	"	29	"there were also sent camps," should be "they were also sent into camps,".

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
10427	8823	1-2	Change "who was not, and" to read "the others,".
10428	"	3	Place period after "something" and delete next word "positive."
10429	"	15	Change "was shown by me" to read "is what I can state out of my own".
10430	8824	25	"I am" should be "I see from it".
10431	"	26	Change "so far as to follow it up as to the" to read "to the point that it was followed up as far as my".
10432	"	31	Third word "that" should be "but".
10433	8825	8	Insert "morbid" before "excesses".
10434	8826	32	Insert "former" before last word "Economic".
10435	8827	1	"went with this group when invited" should be "when this group was invited".
10436	"	16	Change comma to period after last word "Rank".
10437	"	17	Delete "that Professor".
10438	"	29	Change period to colon after "before-hand".
10439	8828	1	"This one" should be "One".
10440	8829	4	"Bintl." should be "Bingl."
10441	"	6	"the Hopag:"
10442	"	7	Change "and these men one" to "when". Insert "from" before last word "the".
10443	"	8	"some other" should be "many other".
10444	"	13-15	Change from "I am" in line 13 through line 15 to read "I am. I was probably the last man from economy invited there together with a Herr Blossing, former Director of the Reichsbank, who was for".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10443	8829	23	Insert "Here is an invitation," after "he said," with quotation marks before same words "Here is..."
10446	"	24	Place quotation marks after "you come".
10447	"	29	Change "But to Mr. Kranefuss such an" to read "This was generally what Kranefuss said since the".
10448	8830	1	Place period after first word "it". Begin new sentence with "Perhaps".
10449	"	3	Insert "the" before "former".
10450	"	5	"After the noon," should be "After the meal,".
10451	"	10-11	"as such in this group" should be "as a group,".
10452	"	14	"every one" should be "every industrial man".
10453	"	26	Place comma after "question" and delete next word "and".
10454	8831	27	"I have already" should be "I have also".
10455	"	38	Insert "also" before "believe".
10456	8832	27	First word "is" should be "was".
10457	8833	14	Change "those things with Himmler," to read "with Himmler anything he had said."
10458	8835	4	"1946," should be "1941,".
10459	"	8	Insert "to do something for the Christ- mas collection," after second word "want".
10460	"	13	Change "what. For example in" to read "that, for example, in".
10461	"	21	"The Dr. Schneider" should be "Then Dr. Schneider".
10462	"	27	Change "societies" to "organizations".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10463	8835	30	Insert "to make" after "all had".
10464	"	31	Change "again of wages" to read "of deduction of wages".
10465	"	32	Insert "were" after "million".
10466	8836	8	Delete "You have to get into it too."
10467	8837	10	Change "general runner, received" to read "general mail and not handed out".
10468	"	13	Change last word "noticed" to "remembered".
10469	"	24	Insert "therefore" after "could you,".
10470	"	28-29	Change from "purpose" in line 28 through "spends" in line 29 to read "purpose. I should consider it an embarrassment if, when I trust a comrade who says that he is collecting, he then spends".
10471	8838	2	Change period to comma after "anyhow". Change next words "I gave" to read "even if I had given".
10472	"	4	Place comma and insert "that is, to relieve poverty," after "purposes".
10473	"	10	Insert "at" after "who not".
10474	"	15-17	Change from "figures" in line 15 through line 17 to read "figures of one million are mentioned here, of which I do not know. I must say quite frankly, if I had known those figures, that the firm had contributed this".
10475	"	18	Change period to comma after "relief".
10476	8839	12	"of the Experts Committee, the CIA," should read "of the Technical Export Committee of the CIA,".
10477	8840	1	"If I had " should be "If I did not have".
10478	"	7	Delete period after "helped them" and

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10478(cont'd)	8840	7 (cont'd)	complete sentence with "when some question arose in the Nitrogen field. But such questions were not very frequent."
10479	8840	24	Insert "Q," before "The participation".
10480	"	26	"in both the motives" should be "both as to the motives".
10481	8841	3	Insert "in the hands of and" after "should be".
10482	"	10	"would be secured," should be "should be secured," Insert "with this instruction," after "request".
10483	8845	2	Insert "director" before "general".
10484	"	137	"tha was not" should be "he was not".
10485	"	23	Change "or the conference" to read "and did not participate in the conference".
10486	8847	9	Change comma to period after "yesterday". Also change next word "with" to read "Wolff was".
10487	"	26	"1791" should be "1691"
10488	8848	18	Change "consideration of whether" to read "assertion that".
10489	8849	29	Change "in the concentration camp because" to read "towards the concentration camp inmates because".
10490	8850	16-17	Delete "The affiant testifies that the plant management insisted on correct treatment." (as repetition).
10491	8854	6	Change "is this statement that it was never interfered with" to read "is the statement that there was never any interference with".
10492	8855	1	Insert "was" before last word "customary".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10493	8856	4	Delete comma after "war". Place comma after "Fuerstengrube".
10494	"	7	Change "one thing," to "one reason,".
10495	"	16	Delete comma and insert "of" after "Mino".
10496	"	32	"A visitor" should be "The Visitor".
10497	8857	16	"yet." should be "Mino."
10498	8860	12	"has been done." should be "had been done".
10499	"	18	"that was" should be "it was".
10500	"	20	"it would be" should be "it will be".
10501	"	22	"Mr. Weinberg was." should be "Mr. Weinberg is."
10502	"	31	"Were all these" should be "Did all these".
10503	8861	23	Insert "a" before "protective".
10504	"	26	"a document," should be "Exhibit".
10505	"	29	Insert "and by Skoda-Wetzlar" after "Plant".
10506	"	32	Change "matter," to "foundation."
10507	8862	1	Change first word "Thich" to "What". Add "a" after last word "as".
10508	"	3	Delete "Yes,".
10509	"	4	"Kronnsburg" should be "Kronenburg."
10510	"	23	Insert "and" after first word "Prossburg".
10511	8864	23	Change line 23 to read "A. Because through this project from their own raw materials they would be able to produce)".
10512	8865	9	"Danube-Chemie" should be "Donau-Chemie".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10513	8866	3	"Steering," should be "Styre,".
10514	"	13	Change "to come in?" to read "to become a member of the Aufsichtsrat?"
10515	8868	18	Place quotation marks after last word "Office."
10516	8869	7-8	Change from "I don't know" in line 7 through line 8 to read "In any case he had no command over troops. Whether he had command over somebody else I don't know. I don't know how far his authority went."
10517	"	25	"to ask whether" should be "to mean whether".
10518	8870	5	Change "Heider" to "von der Heyde".
10519	"	12	Change "and perhaps, they were" to read "who were perhaps"
10520	"	18	"that you opposed" should be "did you oppose".
10521	8871	9	"can be" should be "cannot be".
10522	"	21	Insert "were considered as the so-called" before "wealthy". Also insert "and" after "Louna".
10523	"	22	Change "Any such attempt would" to read "Any attempt to circumvent these contributions would".
10524	8873	18	Last word "name" should be "man".
10525	"	23	Insert "for instance." after "of Mr. Helfferich".
10526	"	25	Place quotation marks after "to it?".
10527	8875	4	Insert "according to my opinion" after "because".
10528	"	19	Add "In industry one always tried to keep up decency." after last word "excesses".
10529	"	23-27	Change from "I think" in line 23 through "or straight" in line 27 to read

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10529(cont'd)	8875	23-27(cont'd)	as follows: I understood it in this way that one should speak frankly about unclean matters and that is actually what I also, when my attention was drawn to something, said frankly, and not only in this Circle but generally: "These are matters which are not clean or straight."
10530	8877	9	Change "I also think" to read "I also was of the opinion that".
10531	"	10	Change "I often told Schneider," to read "I occasionally told Schneider about it."
10532	"	17	Change "at any rate," to read "It is possible that".
10533	8878	21	Change "I intended" to read "the SS intended".
10534	"	27	"the SS always tried to find" should be "the SS surely tried in this way to find".
10535	"	29	Insert "had" before "really".
10536	"	30	Insert "I said that" before "I am today".
10537	"	31	"I didn't express" should be "I didn't have".
10538	8879	9	Change "In my opinion" to read "For instance".
10539	"	23	Place comma after second word "point". Change next word "and" to "the".
10540	"	27	"depends" should be "depended".
10541	"	28	Change line 28 to read "where as to limitations imposed upon us".
10542	8882	14	Insert "between" after "period".
10543	"	18	"that is quite possible. That" should be "it is quite possible that".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10544	8882	20	Delete "based on German coal, and which is".
10545	"	21	Insert "from German coal," after "raw materials", placing the quotation marks after "coal."
10546	"	21-22	"Many articles appeared. It was said" should be "Different articles appeared, in order to say that".
10547	"	32	Change "I didn't find out about that," to read "I didn't arrange that,"
10548	8883	1	Change line 1 to read "Gattineau that Bosch had decided that we should go there, and not I but Gattineau arranged this discussion. I was".
10549	8884	5	Change "applied to" to "been a matter ordered by".
10550	"	6	"industry, to import" should be "industry or by import".
10551	"	16	Change "and I did not know about the activities," to read "of whose activities I had no knowledge."
10552	"	21	Insert "against us," after "attacks".
10553	"	22	Insert "even" after "lectures".
10554	8885	26	"you can tell that from" should be "you can see it in".
10555	8887	24	Change "he wanted to convey that in the year when" to read "one must consider the fact that it was a year in which".
10556	"	27	"to us once and he asked us for" should be "to me and asked for".
10557	"	29	Insert "You are a scientist," after "about it," placing the quotation marks after "scientist." Change "I said," to "Then, I said,".
10558	8888	12	Change "that I myself" to "that everybody". Insert "and upset" after "surprised".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10559	8888	22	Change "wrote nothing about it." to read "was not mentioned by him."
10560	8889	24	Change "immediately after " to read "the result of ".
10561	"	30	"We asked you to give us" should be "We ask you to produce".
10562	"	31	Change "and we give you our guarantee." to read "whereupon in return we will give you a guarantee contract."
10563	8890	14	Change "then we had" to read "during which we had". Change comma to period after "received that". Begin new sentence with "That".
10564	"	27	"Figures" should be "These figures".
10565	"	28	Change comma to period after "experiment". "As Buna or Viatra for example." should be "What did we spend for Buna or Viatra for example?"
10566	"	29	"that is the question how" should be "and the question is how".
10567	8891	7	Change comma to period after first word "losses". Delete next words "that must be misinterpreted."
10568	"	11	Insert "out" after "We are".
10569	8893	7	Insert comma after "Fuel". Also insert "Dr. Fischer, did you ever hear that the" after same word "Fuel".
10570	"	20	Insert "A." before "I could tell".
10571	"	31	Delete "But" before "These".
10572	8895	2	Change "Gelsenkirch" to "Gelsenberg".
10573	8897	1	"he remained" should be "he had remained".
10574	"	17	"his plan way" should be "his plain way".
10575	8898	12	Change "this writing of" to "this step of".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10576	8908	13	Change "I think" to "I thought".
10577	8908	23-24	Change from "The matter" in line 23 through line 24 to read "Technically the matter was such that the machines didn't really fit into".
10578	8903	28	Place quotation marks before "That is".
10579	8905	3	"with it," should be "with them."
10580	"	9	Change comma to semi-colon after "member".
10581	"	15	Place comma after "that is". Insert "the" before last word "then".
10582	8907	4	"for me," should be "from me,".
10583	8909	25	Insert "to" after "wanted".
10584	8910	18	Change "That was in January." to read "Whether that was in January, I don't remember exactly."
10585	8911	16	Change "something" to "anything".
10586	"	26	Insert "that" before "because".
10587	8912	9	Insert "was" after second word "that".
10588	"	24	"And I said," should be "I would say,".
10589	"	27	Place quotation marks after last word "it."
10590	8914	7	Delete "production".
10591	8915	29	"asking questions" should be "asking a question".
10592	8916	3	"could come" should be "came".
10593	"	4	Delete last word "the".
10594	"	30-31	Change "There had an order been issued" to read "An order had been issued".
10595	8917	4	Delete third word "that".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10596	8917	5	Insert "who" before second word "says,".
10597	"	10-11	Change from "tell you" in line 10 through line 11 to read "tell you anything about the actual handling. I cannot take any position with respect to this question since I was not concerned with it."
10598	"	20-22	Change from "Hindler," in line 20 through line 22 to read "Hindler, you didn't at any time have to deal with the Labor Ministry as a practical matter in order to procure concentration camp inmates. In fact,".
10599	"	26-28	Change from "says," in line 26 through line 28 to read: says, "Upon instigation of the Flent-potentiary General for Chemical Production Questions we inform you that the following firms have been ordered to carry out the construction works." These in my opinion, are proper matters concerning Labor Courts which I of course cannot judge or know.
10600	8918	1	Change "your confidence of Wolff?" to read "your connection with Wolff?"
10601	8920	8	Change last word "prosecution" to "cross-examination".
10602	8922	12	Delete "BY MR. MINSKOFF:"
10603	"	21	Second word "wrote" should be "written".
10604	8923	2-3	Change lines 2 and 3 to read "and, of course, it was also forbidden by the local offices concerned, by the camp leaders and the responsible people of the SS, as far as one had any influence on these things. That Duerrfeld and the other men did without doubt."
10605	8926	15	First word "are" should be "were". Delete "meetings".
10606	"	18-19	Change "whether those things which occurred at the time as contemporaneous" to read "whether the contemporaneous".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10607	8926	23	Change "MR. SPEECHER:" to "MR. MINSKOFF:".
10608	8930	16	Add "the" after last word "to".
10609	"	17	"of the foreign" should be "for the foreign".
10610	8931	10	Delete "accommodation of".
10611	8933	21	"I could see" should be "I can see".
10612	8935	1	Last word "the" should be "three".
10613	"	18	Change "obliged" to "induced".
10614	"	27	"Belgium" should be "Belgians."
10615	8936	2	"Document 1456," should be "Document MI-14556, Exhibit 1922,".
10616	"	4	"does this" should be "does not this".
10617	"	18	Delete "that".
10618	"	23	"accept them" should be "accept it"
10619	8937	6	"Mr. Unschelm" should be "Mr. Runnschoin".
10620	"	6	Change "the authorities" to read "the men who owned this plant".
10621	"	19	Change line 19 to read "told him that industrialists met there and I mentioned it".
10622	"	22	"a friend" should be "my senior friend".
10623	8939	21	"fifty" should be "25th".
10624	8940	11	Change "that Dr. Gattineau had nothing" to read "Mr. Gattineau having had anything".
10625	8941	22	Change "was to" to "might".
10626	8942	17	"is counsel" should be "are counsel".
10627	8944	1-4	Delete entirely lines 1, 2, 3 & 4 as repetition from preceding page.

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10628	8944	8	Change line 8 to read as follows: "Quantum Theory". I knew Dr. Eustefisch's opinion of this problem.
10629	"	8-9	After line 8 and before line 9 insert: Q. What was Dr. Eustefisch's sphere of work? A. Physico-chemistry.
10630	8948	16	Change "what do you look like?" to read "how you look!"
10631	8950	13	"let us" should be "led us".
10632	8952	31	"they could only meet" should be "they could only lead".
10633	"	32	Change "Either if they had not had this" to read "If they did not have this".
10634	8953	2	Change "wise," to "side,"
10635	8954	12	Change "again," to "later," Insert "again" after "became".
10636	"	14	"fenitite" should be "definite". Insert "and" after "material,".
10637	8956	1	Change "make anybody's acquaintance," to "know of anybody,"
10638	"	7	"Socialist," should be "Socialism,".
10639	"	8	Delete "to" after "I came".
10640	"	9	Add "of German science," after "existence,"
10641	8958	21	"Middle Oil" should be "Mineral Oil".
10642	8959	15	Insert "of Farben" after "department",
10643	"	24	"Griefel," should be "Griobel,".
10644	"	26	Change "states about" to read "discusses".

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
10645	8960	5	"caucassus." should be "Caucasus."
10646	"	11	Insert "had" after "Bockelberg".
10647	"	13	"No. 282." should be "No. 283."
10648	8960	17	Place comma after "to which", also place comma after "Farben".
10649	"	18	"from Farben" should be "by Farben".
10650	8961	2	Change line 2 to read "to reconcile the obligations of the company towards Stinnes with the inter(national)".
10651	"	6	Insert "indeed" after "opinion that".
10652	"	7-8	Change lines 7 & 8 to read "in Leuna, but that the plant could now be adapted for the production of technical and particularly military explosives. The affiant testi(fies)".
10653	"	18	Change "nitrates" to "hydrates".
10654	8964	12	Change "doctrine" to "direction".
10655	"	21	"deilement," should be "defilement."
10656	8965	30	Change "hold in opening" to read "proceeded with the assertion".
10657	8967	6	Delete "when" before "Buetefisch".
10658	"	7	Insert "he," after "until".
10659	"	8	Delete comma and "that he" after "was made".
10660	"	23	"the Greheimrat from Weinberg" should be "Geheimrat von Weinberg". Change last words "request for" to read "risk for".
10661	"	24	"that can be" should be "which can be".
10662	8968	5	Change "so-called" to "close".
10663	8969	25	Insert "in" after "fellen".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10664	8971	2	"bo e" should be "bore".
10665	8973	7	Change "Fabel" to "Sauer".
10666	8978	13	"in his works," should be "in his words,".
10667	8080	7	Insert "was delivered" after "we sold".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10562	8985	.1	Change first line to read "(Falken)han brought it to my attention that it was possible to buy this mine; only through Mr. Falkenhan's hint did the problem 'Janina Mine' become quite clear to me."
10569	8986	2	"but these are" should be "but there are".
10570	8987	.20	"Is it a problem" should be "Is the problem".
10571	8989	12	Insert "light and" after second word "occur".
10572	"	.30	Delete "If" before "I had".
10575	"	20	Second word "that" should be "whether".
10574	8990	6	First word "The" should be "They".
10575	"	14	Change "number," to "date".
10576	8991	13	"to task" should be "to ask".
10577	"	21	"you make ask" should be "you may ask".
10578	"	24	Change last words "upon right" to read "your right and".
10579	8992	26	"what you read" should be "that you read".
10580	"	28	"All of this" should be "All of this".
10581	8993	16	"it has been" should be "it was".
10582	"	25	"the -- you signed" should be "the time you signed".
10583	"	28	Insert "had" after "have you". "until today?" should be "before today?".
10584	8994	29	"their administration" should be "the administration".

Line	Transcript Page	Line(s)	PROPOSED CORRECTION
10595	8994	31	Insert "only" before "administered."
10596	8996	17	"described to you" should be "described by you".
10597	8997	14	Change "expected by us" to read "on matters for which we were competent."
10598	"	23	"conine" should be "confiner".
10599	8998	1	Change first line to read "That depended on what field of work these questions concerned."
10600	"	23	Insert "in" after "witness".
10601	8999	7	First word "don't" should be "won't"
10602	9000	3	First word "inordinarily" should be "unusually".
10603	"	30	First word "works" should be "work".
10604	9001	20	Add "were" after first word "they".
10605	9002	10-15	Change lines 10 and 15 to read "but more people had to be lodged in this camp. The number of people living in the camp varied."
10606	9003	4-5	Change from "you say" in line 4 through line 5 to read as follows: you say: "After Guertfeld also procure in addition to the in-entice needed by J.C. Firban in-entice for other Upper Silesian enterprises." Di: Dr.
10607	"	7	Insert "for Laschitz as well" after "innates".
10608	9005	15	"a long year," should be "a long period,".
10609	9006	2	"Managing directors" should be "plant leader (Betriebsführer)".
10610	9007	16-17	"emphasis" should be "emphasized".
10611	9008	3	"It stands" should be "It should stand".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10702	9009	31	Delete "and" after "matter".
10703	9012	2	"takeline" should be "tapeline".
10704	9013	11	"10929" should be "Hi-10929".
10705	"	29	"the witness makes." should be "I would make."
10706	9016	4	"Exhibits 1984" should be "Exhibits 1985".
10707	9019	21	Insert "which was the party of Stresemann. But when, after his death it" after "Volkspartei"
10708	"	22	"replations" should be "relations".
10709	9024	13	Third word "one" should be "on".
10710	9025	1	"may have" should be "may make".
10711	9028	4	Change semi-colon to comma after "position now".
10712	"	16	"or one" should be "to one".
10713	9029	9	Change comma to period after "Party".
10714	"	20	Insert "of which" after "a telegram".
10715	9034	20	Insert "power" after "seizing"
10716	9036	15-24	"monias" should be "monies".
10717	9037	10	Change "they were going to pay," to read "for the entire Ruhr Area."
10718	9038	9	"he an against" should be "he ran against".
10719	9039	22	"know now" should be "know how".
10720	9041	17-18	Change from "imagine that" in line 17 through "attitude." in line 18 to read "imagine that his personal attitude was in any way very different from the official economic policy".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10721	9041	25	Insert "formerly" after "companies"
10722	9043	20	Delete "who," after "Funk,".
10723	"	24	"he could" should be "he could".
10724	9044	3	Insert "who" after "Jatschmann".
10725	"	12	Place comma after "As I said, I".
10726	"	13	Place comma after "for many".
10727	"	15	"same industrialist," should be "same industrialist,".
10728	"	16	Insert "in particular" after "government,".
10729	9045	1	Delete comma after "power".
10730	9046	4	Change last word "burdened". to "blamed."
10731	9047	6	"such negotiations." should be these negotiations."
10732	9048	26	Delete "the" before "industry,".
10733	9049	24	Change "was at Spandau." to read "concerned our Spandau plant."
10734	9050	5	Delete "meeting in February" as repetition.
10735	"	9	Insert "we contributed" before first word "for". change comma to semi-colon after "Party".
10736	9051	19	Change "was small machinery" to read "was a small office".
10737	9052	11	Place comma and insert "one" after "to day".
10738	9053	3	"of the so-called" should be "or the so-called".
10739	"	12	Last word "burdened" should be "charged".
10740	"	26,29	"Stein" should be "Steinbrinck".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10741	9055	10	"really came" should be "realley comes".
10742	"	20,21	"by losses" should be "by fear of losses".
10743	9056	1	Insert "with distrust" after "observed".
10744	"	2	Delete "that if". Change last word "course," to "cooperation,"
10745	"	22	Delete "I will ask that" before "if the answers".
10746	9057	12	Delete last word "also".
10747	9058	5	Delete comma after "accepted" and place comma after next word "it".
10748	"	21	Change period to question mark after "I knew".
10749	9061	14	"work of the" should be "work on".
10750	"	13	"reasons by which" should be "reasons for which".
10751	9062	28	Insert "during our trial" before last word "Mr."
10752	"	30	Change line 30 to read "an estimate which cannot be far wrong."
10753	9064	11	"as trust," should be "I trust,".
10754	9065	6	Insert "to ask you" after "I would like".
10755	"	17	"deal with" should be "deal in".
10756	"	18	Change "concerning" to "with".
10757	"	28	"Director Andrea," should be "Director Weber-Andrea,".
10758	9066	3	Last word "mainly" should be "mainly".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10759	9066	6	Second word "grating" should be "grapting". "and certain" should be "for certain".
10760	"	8	"close thouch" should be "close touch".
10761	"	18	Insert "and cosmopolitan" after "democratic".
10762	"	26	Insert "with" after second word "had".
10763	"	33	Insert "through many centuries" after "union".
10764	9067	11	Delete first word "and".
10765	"	12	Insert "peace," after "towards".
10766	"	13-14	"belonging" should be "belonged".
10767	"	15	Change period to comma after "tendencies".
10768	9070	3	"I also saw" should be "I also became".
10769	"	4	Change "danger because they become" to read "danger to my associates within my scope of activity, the Sales Combine Chronicle, who became".
10770	9071	5	Insert "not" after "in order".
10771	"	20	Change first word "was" to "not".
10772	"	31	"I saw that from documents here, orders" should be "I saw from documents here, for instance, that I never saw orders".
10773	9072	1	Change period to comma after "case of war". Continue with "and I did not know" in line 2, deleting "I never saw them".
10774	"	5	"all of the" should be "all of my

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10775	9072	17	Line 17 should read as follows "it was sufficient to imprison them all, which finally gave one the feel- ing".
10776	"	18	"one can not" should be "one could not".
10777	"	30	Change "would have been an insult." "was a consolation for me."
10778	9073	30	Change "No. On the one hand, since I" to read "No, because since I".
10779	9074	22, 23	"1937" should be "1938".
10780	9075	6	Insert "during the bombarding." "after "village".
10781	9077	2	Change "incorporated?" to "founded?"
10782	9078	1	Change "could no longer bear all the" to read "had failed as bearer of the".
10783	9079	13	"men of Farben" should be directors of Farben."
10784	"	14	"added to that," should be "by adding to that,".
10785	"	20	Place quotation marks after last word "veterans".
10786	9080	24-25	Change from "to have only " in line 24 through "Spartan." in line 25 to read "to have only one regular Vorstand member who was alone responsible for his sales branch."
10787	"	27	First word "did" should be "died".
10788	9081	5	"business men" should be "commer- cial man".
10789	"	6	"1939" should be "1931".
10790	"	7, 9, 11	"business man" should be "commer- cial man".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12791	9081	16	"conquer," should be "rule,".
12792	"	17	Change "to get into his position" to read "to gain any influence besides himself".
12793	"	19	Insert "Swiss" before "citizenship".
12794	"	25	Change period to comma and add "even if it was in my interest." after first word "(natural)ized".
12795	"	29	Delete "my" before "friend".
12796	9082	15	Insert "especially," after "told us".
12797	"	18	Change period to comma after "(un)announced". Delete next words "He said specifically that".
12798	9083	16	"especially of " should be "especially in".
12799	"	10	Change last word "after" to "until".
12800	9084	17	Change "I was subordinate to" to read "it was under the charge of".
12801	"	21-22	Change line 21 through "I myself" in line 22 to read "von Helder, I was subordinate to Mr. Heber Andre. I myself".
12802	9085	27	Change period to comma and insert "where" after first word "Berlin".
12803	9086	12	Change "didn't talk even about" to read "mostly he spoke about"
12804	"	13	Change "made with Sweden and other" to read "made or were to be made with foreign".
12805	9087	19	"The importance of the sales" should be "The important sales".
12806	"	31	Insert "in" after "for instance,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10007	9088	25-27	Change lines 25 and 26 through "development" in line 27 to read "(Therefore, these cartel conventions, which in the field of chemicals could be cancelled on short order, constituted an economic structure which could not be avoided, a development".
10008	9089	10-11	Change "cause the Russians to be called into" to read "result in the inclusion of the Russians in
10009	9091	1	"quantity," should be "quality,".
10010	"	4	"its own quota" should be "his quota".
10011	"	15	"complete" should be "compete". Insert "in the field of heavy chemicals." after "seriously".
10012	"	16	"allied partners." should be "internal partners."
10013	"	31	Insert "convention and" after "supervise the".
10014	9092	7	Insert "commercial" after first word "the".
10015	"	11	First word "TEA," should be "CHEM
10016	"	19	Change "substitution of" to "support of".
10017	9093	4	Insert "who produced sulphuric acid out of pyrites" after "acid producers".
10018	"	5-6	Change from "were used" in line 5 through line 6 to read "were smelted at the Kuchrhovette. The metals gained in this process were independently sold by that plant. The Sales".
10019	"	11	Insert "on behalf of the Aluminium werk GmbH." after "sale".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10820	9094	1	Delete first word "Correction." Change period to comma and add "or attended them only exception- ally." "after." "1938".
10821	"	9	Insert "Berlin and" before last word "Bitterfeld."
10822	"	20	Change "with this very phase of business." to read "with this business which then was very small."
10823	"	31	"had to find" should be "found".
10824	9095	29	"ferr-molybden" should be "ferro- molybdene". "ferro-manganese," should be "ferro-vanadium."
10825	9096	9	Change "syndicate market which were--" to read "convention home market".
10826	9097	4	"Wegger" should be "Wacker".
10827	"	7	"phenol process" should be "dophenolisation process".
10828	"	8	"Portland process," should be "the porcelain-bleaching process,".
10829	"	12	Place comma after "rust".
10830	9098	24	Insert "and in the fluorine- association" before "at a later".
10831	9099	31	Change line 31 to read "and the various restrictions on this traffic increased more and more."
10832	9101	10	Change period to comma and add "but only advisory functions." after "decisions".
10833	"	27	"sparten responsibility, Verkaufs- gemeinschaften," should be "Spar- ten or sales combines,".
10834	"	29	Change "Verkaufsgemeinschaften" to "sales combines".
10835	9102	16	Change "single" to "cases,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
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10821	"	9	Insert "Berlin and" before last word "Bitterfeld."
10822	"	20	Change "with this very phase of business." to read "with this business which then was very small.
10823	"	31	"had to find" should be "found".
10824	9095	29	"ferr-molybden" should be "ferro- molybdene". "ferro-manganese," should be "ferro-vanadium,"
10825	9096	9	Change "syndicate market which were--" to read "convention home market".
10826	9097	4	"Fogger" should be "Wacker".
10827	"	7	"phenol process" should be "dephenalisation process".
10828	"	8	"Portland process," should be "the porcelain-bleaching process,".
10829	"	12	Place comma after "rust".
10830	9098	24	Insert "and in the fluorine- association" before "at a later".
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10833	"	27	"sparten responsibility, Verkaufs- gemeinschaften," should be "Spar- ten or sales combines,".
10834	"	29	Change "Verkaufsgemeinschaften" to "sales combines".
10835	9102	16	Change "single" to "cases,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10836	9103	3	"from a technical point of view," should be "from the technical point of view of granting licenses".
10837	"	6	Delete "only" before last word "formed."
10838	"	7	First word "He" should be "It". Delete last three words "that committee only".
10839	"	8	Insert "only" after first word "had"
10840	9104	15	Change "such meetings" to read "meetings of that committee".
10841	9106	8	"pharmaceutical" should be "pharmaceuticals,".
10842	"	10	Insert "with regard to sales" after second word "products".
10843	"	11	"is a way" should be "in this way".
10844	"	12	"successor" should be "successors".
10845	"	25	Insert "in such a short time" after "Farben".
10846	9107	4-5	Change "discussed" to "concluded".
10847	"	8	Insert "or Working Committee" after "Verstand".
10848	9108	17	Add "be" after last word "would".
10849	"	25	Insert "speaks about" before "a visit". "at Hitler's place" should be "to Hitler".
10850	9109	1	Insert "only" after first word "I".
10851	"	2	Place period after "MSBAP". Begin new sentence with "With the field".
10852	"	6	Insert "is about" after "Page 89,".
10853	"	7	Place comma after "1933" and delete next words "and discussed".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10836	9103	3	"from a technical point of view," should be "from the technical point of view of granting licenses".
10837	"	6	Delete "only" before last word "formed."
10838	"	7	First word "He" should be "It". Delete last three words "that committee only".
10839	"	8	Insert "only" after first word "has".
10840	9104	15	Change "such meetings" to read "meetings of that committee".
10841	9106	8	"pharmaceutical" should be "pharmaceuticals,".
10842	"	10	Insert "with regard to sale" after second word "products".
10843	"	11	"in a way" should be "in this way".
10844	"	12	"successor" should be "successors".
10845	"	25	Insert "in such a short time" after "Farben".
10846	9107	4-5	Change "discussed" to "concluded".
10847	"	8	Insert "or Working Committee" after "Verstand".
10848	9108	17	Add "be" after last word "would".
10849	"	25	Insert "speaks about" before "a visit". "at Hitler's place" should be "to Hitler".
10850	9109	1	Insert "only" after first word "In".
10851	"	2	Place period after "NSDAP". Begin new sentence with "With the field".
10852	"	5	Insert "is about" after "page 89,".
10853	"	7	Place comma after "1933" and delete next words "and discussed".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10854	9109	14	Insert "as" after "quoted".
10855	"	28	"contructions" should be "construct".
10856	9110	8	"that has" should be "that it had".
10857	"	11-14	Change from "motor cars" in line 11 through "important" in line 14 to read "motor cars. I know that the prospects in the light metals field were considered satisfying in 1930 or 1931, and in view of the technic development which was expected, the expansion of the magnesium capacity from 6,000 to 8,000 a year was designated as the first aim of production."
10858	"	17-18	Change "not another plant which was later built at Staatsfurt," to read "or the other plant at Staatsfurt, of which I only heard later,".
10859	"	22	"Because of scarcity of the" should be "Because of the scarcity of".
10860	"	23	Change line 23 to read "aluminum also had to substitute for copper so that the".
10861	"	24	Add "was quite plausible." after "capacities".
10862	9111	31	Change "attendance" to "supervision"
10863	9112	31	"get them" should be "get it".
10864	9113	2	Insert "of natural rubber" after second word "demand".
10865	"	18-20	Change lines 18, 19 & 20 to read "the industrialists, however, could judge their significance within the entire consumption."
10866	9114	16	"plant." should be "plans."
10867	"	21	Change line 21 to read "only with deferment of commercial personnel from".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10868	9115	7-8	Change "Verkaufsgemeinschaft Combine Chemickalica," to read "Sales Combine Chemicals,".
10869	9116	15	Change "undertaken," to "dealt with,".
10870	9118	4	Change "under Bitterfeld" to "and aluminum production of".
10871	"	7	Place semi-colon after last word "Metallgesellschaft".
10872	"	8	Change line 8 to read "that is, the share of Farben alone amounts to about 20 or 24 thousand tons."
10873	"	29	Change "-- the development of" to read "where".
10874	"	30	"as mentioned." should be "is mentioned."
10875	9119	4	Change "much is made of the pro- duction" to read "mention is made of the stockpiling".
10876	"	5-6	Change "for us and others." to re "phosphorus and cyanite alloys."
10877	"	6	Insert "as well as 'interhall'" after "Farben".
10878	"	29-30	"is part 2 is dealing" should be "in part 2 deals".
10879	9122	26	Insert "Document Book" before "No. 2 --".
10880	9123	31	Change "concentrate" to "content".
10881	"	16	Delete "the" before last word "National".
10882	9124	2-4	Change from "the Potassium" in line 2 through "Group" in line 4 to read "the Potassium and Sodium Stock- piling Convention, in which beside a German Group, French, Swedish,

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10883	9124	2-4 (cont'd)	English, Italian and Swiss groups participated; also the Bichromatic Convention with English, French, Belgian, Italian and American groups."
10884	"	6	"was Swedish," should be "with Swedish,".
10885	"	7	"was English, Swedish and" should be "with English, French and".
10886	"	8	"was English" should be "with English".
10887	"	9-10	"with Austria and several others." should be "with Austrian and French participation and several others."
10888	"	23	Insert "and to export them" after "products".
10889	9125	10-11	Change "members. The calculations were made" to read "members, above and under the fixed quotas, resulting from calculations".
10890	"	20	"These negotiations" should be "In these negotiations".
10891	9126	5	"conventions" should be "convention; last word "Germany" should be "German".
10892	"	21	Change "dissension" to "cancellatio; Insert "made" after "were never".
10893	9127	2-3	"internation" should be "international".
10894	"	12	"and bichrome" should be "of the bichrome".
10895	"	15	Change "witness" to "affiant".
10896	"	19	"contracts" should be "contacts".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10897	9129	17	Insert the following after "licensing, abroad of war important products by Farben after 1933; Can you tell anything about it from the point of view of your own scope of activity? A. Yes, I can mention magnesium. By licensing (continue with "and opening ...").
10898	"	18	Change period to comma after "136". Continue sentence with "these".
10899	9130	17	Change "Chemistries" to "Chemical Industries Ltd".
10900	"	18	"Not the French" should be "Nothing in the French".
10901	9132	14	"had to take" should be "had given".
10902	9133	2	"and the reduction" should be "so that the reduction".
10903	"	2-3	"had been established." should be "could be calculated."
10904	9134	10	Change "seeing them working." to "putting them into operation."
10905	9135	24	Insert "a" before "scheme".
10906	9136	10	"with the I.G. and with" should be "from the I.G. and from".
10907	"	20	"so that current" should be "as current".
10908	9137	7	"and use" should be "and for using".
10909	"	9	"explored" should be "exploited".
10910	"	12	Delete as repetition "rock from Idaho make nitrogen and nitro- phosphate".
10911	"	21	"wheat" should be "weed".
10912	9138	18	Delete period after "counsel" and continue sentence with "in order".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10913	9138	19	Change comma to period after "prison". Begin new sentence with "There".
10914	9139	11	Insert "In these meetings" before "certain".
10915	9141	18	Delete "tense" before "political".
10916	9142	24	"1933," should be "1934,".
10917	9143	4	Change "secure our freedom" to "secure freedom and peace". Place quotation marks after "established."
10918	"	6	Place quotation marks before "these words".
10919	"	8	Third word "quite" should be "quote".
10920	"	24, 26	"Credit Institute," should be "Creditanstalt,".
10921	9144	18-20	Change lines 18, 19 and 20 to read "consideration that the basis of the Rhoda-Wetzel A.G. might be shaken as a result of the dropping of the high protective customs induced Mr. Pollak to try to get into closer connections with Farben."
10922	"	28-30	Change from "succeeded" in line 28 through "him." in line 30 to read "succeeded in having a commission of Vorstand members of Farben, among who was Dr. Kuehn, visit him."
10923	9145	17	Insert "together with Solvay" before "an important".
10924	"	23	"Commerce" should be "Commercial".
10925	"	27-28	"Labor Chemicals Combine" should be "Siles Combine Chemical".
10926	"	30	"divided one-third each," should be "taken over one-third each by".
10927	9146	7 & ff.	"Commerce Committee" should be "Commercial Committee".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10928	9146	14	Delete quotation marks before and after "Prague Association,". Add "or Prager Verein," after last word "Association,"
10929	"	26-27	Place period after "Committee". Change "of General Director firms," to read "This is the only instance that I recall."
10930	9147	1	"Commerce Committee" should be "Commercial Committee Meeting".
10931	"	7	"new order of the chemical industries" should be written "New Order of the Chemical Industries".
10932	"	8	Place semi-colon after "prosecution". Change rest of sentence to read "that was the idea of Pollak of Skoda-Metallwerk."
10933	"	24	"proquestions" should be "questions".
10934	"	31	"was out" should be "was our".
10935	9148	5,14	"Commerce Committee" should be "Commercial Committee".
10936	9149	16	Add "ore" after "German".
10937	9150 & ff.	1 & ff.	"Credit Institute" should be "Creditanstalt".
10938	"	28	Insert "German page 6606," after "instant".
10939	9151	27	"him after he was dismissed." should be "his dismissal."
10940	"	31	"29th" should be "28th".
10941	9153	3 & ff.	Change "Annexation" to "Anschluss".
10942	"	7	"my Prosecution Exhibit 107." should be "Prosecution Exhibit 1071."
10943	"	22	Change "Customs Union" to "protective customs".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10944	9154	5	Place comma after "organization". Delete next word "on". Also place comma after "Anilinchenie".
10945	"	13	Change "and" to "towards" before "Skoda-Wetzlar,".
10946	9155	29	"Credit Institute?" should be "Creditanstalt?"
10947	9157	12	Change second word "occupied." to "used."
10948	"	16	"trunological" should be "terminological".
10949	"	17	Change "because of letting" to read "in order to let".
10950	"	22-23	Change "to grant the permission to him?" to read "for the audience?"
10951	"	24	"we received a letter" should be "he received our letter".
10952	9158	20	Delete question mark after "Kreditanstalt" and add "and Skoda-Wetzlar?" after same word.
10953	"	28	"before," should be "beforehand,".
10954	"	31	"only one" should be "only a".
10955	9159	1	"a,6" should be "A.G."
10956	"	12	Change "morale among the populace" to read "public opinion".
10957	"	13	Change "annexation;" to "Anschluss;".
10958	"	14	Change "It was general acceleration;" to read "There was general enthusiasm".
10959	9161	24	"1034" should be "1083".
10960	9164	10-11	Change "regarding" to "when discussing".
10961	"	27	Insert "who" after "Keppler,".
10962	9165	25	Insert "in" after "called me".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10963	9165	26	Delete "called me in and".
10964	"	30	Place comma after "factory". Delete next word "with".
10965	9166	1	Change comma to semi-colon after "stake".
10966	"	10	Insert "in the" after "that".
10967	"	11	Change first word "deal" to "take".
10968	9167	14	Change comma to semi-colon after "Prager Verein".
10969	"	16	Change comma to semi-colon after "suitable".
10970	"	31-33	Change lines 31, 32 & 33 to read "On the representative of the Prager-Verein, as General Director Dvoracek has confirmed on the witness stand, and rightly so, a very important responsibility lay."
10971	9169	1	Delete "and" after "investigated,".
10972	"	10	Delete "a much lower purchase price, at beginning of line".
10973	"	16	Insert "of a larger amount" after "payment".
10974	"	17	"Under the Titanium White convention should be" by Titanium White."
10975	"	28	"interruption" should be "interrupting".
10976	9170	16	"on the parts which" should be "which would".
10977	9172	10	Delete "the necessity of selling realized".
10978	"	17	"economic" should be "economical".
10979	"	18	"from your own" should be "from you own".
10980	9173	17	"after the scale" should be "after the sale".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10981	9173	28	Change "it participated" to "prager Vercin was able to participate".
10982	9174	19	Insert "by constructing its own plant after "production".
10983	9175	3	"applied" should be "applicable". "We have to" should be "We had to".
10984	"	15	Change "the I.G. for the nitrogen Fertilizer to" to read "I.G. for Nitrogen Fertilizer (A.G. fuer Stickstoffduenger) in Knapsack to".
10985	"	17	Delete second word "a".
10986	"	18	Delete "who" after "Bachmann".
10987	9176	2	"when I was" should be "whether I was" "of six" should be "or six".
10988	"	16	Change "Heyden" to "Farben".
10989	"	26	Delete "Count II," after "go over to". Insert "in Count II." after "Poland".
10990	9177	6	"to Dr. Kuehner" should be "and Dr. Krueger".
10991	"	12	"Kuehner" should be "Krueger".
10992	"	14	Change comma to dash after "H. H.".
10993	"	18	Change "to prevent" to "to bring about".
10994	"	19	Delete "and Dr. von Schnitzler gave the information".
10995	"	31	Delete period after "message" and complete sentence with "to Dr. von Schnitzler that a Farben matter was concerned."
10996	9179	3	"in other" should be "about other".
10997	9181	2	Change "sediation" to "spoliation".
10998	9184	19	Add "planned" after last word "the".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11009	9186	14	Change line 14 to read "Hydro in the Fordisk Lettmetall, that was about to be founded, during these negotiations?"
11010	9187	7	Place comma after "spontaneously". "by way of" should be "as a matter of"
11011	"	16	"more less" should be "more or less".
11012	"	29	"has thereby been" should be "was thereby".
11013	"	31	"dejenner" should be "dejeuner".
11014	9188	26	"Stuere" should be "Styre".
11015	9189	12	"2000,000" should be "200,000".
11016	"	14	"it was impossible such a plan" should be "such a plan was impossible".
11017	"	16	Change "-- that I was speaking about yesterday". to read "Bonneville about which I was speaking yesterday".
11018	"	17	Change "factory" to "production".
11019	9192	22	Insert "that was the so-called Centoiro time during which" after first word "No,".
11020	"	23	Delete "at that time".
11021	"	24	Insert "on for the first time" after "reported".
11022	9193	8	Insert "from France" after "Lorraine".
11023	"	9	Place comma after "here". Change rest line to read "out of necessity, the question of".
11024	9195	5	Change "Ostchenie" to "Chenie Ost".
11025	9196	11	Insert "plus an adequate industrial profit." before "later I managed".
11026	"	20	"turn if" should be "turn it".
11027	"	26-27	"internation" should be "International".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11018	9196	20	Last two words "that was" should be "it was".
11019	"	31	"that is" should be "that it is".
11020	9197	19	Change comma to period after "concession". Begin new sentence with "In".
11021	"	22	Change "collaborates" to "confirms".
11022	"	24	Change period to comma after "occasio". Continue sentence with "during".
11023	"	25	Insert "referring to" after "negotiations".
11024	9200	14-16	Change from "enony" in line 14 through line 16 to read "enony to be forced to undergo in inadequate air raid shelters, together with women and children, a bombardment by 2000 or more bombers."
11025	9203	12	"a social attitude of my colleagues" should be "the social attitude of my technical colleagues".
11026	9204	20	Change "von Schnitzler" to "Schnitz".
11027	9204	13	"Tiflostonaza" should be "Zivnostenska".
11028	"	23	Second word "regard" should be "reco".
11029	9206	5	Second word "Haeger," should be "Eger".
11030	"	10	Change question mark to comma after "done" and complete sentence with "were you in the position to do anything at all?"
11031	"	24	Change "aluminum industry?" to "of line industry?"
11032	"	27-28	"nitrogen of lime" should be "Nitrogen Fertilizer (A.G. fuer Stickstoffadung)"
11033	9208	8	"there was such considerations to be" should be "there, what considerations were to be".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11034	9208	9	"difficulties to be" should be "difficulties were to be".
11035	9217	6	Change period to comma after "certain- ly". Continue sentence with "this letter".
11036	9220	1	First word "Godd." should be "Well."
11037	"	26	"to be" should be "should be".
11038	9221	8	Change period to comma and insert "in order that they do not get a majority." after first word "want", with quotation marks after "majority."
11039	9223	9	Place comma after "sulphur matters".
11040	"	22	"as to what" should be "as what".
11041	"	25	"you can to" should be "you can go".
11042	"	27	Insert "Dr. Prentiss to" before "Dr. Dugler".
11043	9224	27	"lage 1933," should be "late 1933".
11044	9228	6	"tunhsten ores" should be "tungsten ores".
11045	9230	11	Place comma after "geared".
11046	"	15	"any we offer" should be "may we offer".
11047	9237	14	"he eat" should be "he eats".
11048	9239	26	Change period to comma after "meeting". Continue sentence with "when".
11049	"	27	Place semi-colon after "discussed". "it must be" should be "it must have been".
11050	9240	15	"hobb-" should be "hobby".
11051	"	16	Insert "as" before "I might".
11052	"	23	"X-matters" should be "the matter".
11053	9241	9	Insert dash after "11th"

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11054	9242	7	Delete last word "not".
11055	9243	17	"1935" should be "1945".
11056	"	25	Change "being told" to "any statement"
11057	9244	1	"That is all right." should be "Is that right?"
11058	9246	22	Change third word "they" to "these things".
11059	9249	27	Insert "to" before "still maintain".
11060	9250	10	Insert "presented" after "that word"
11061	"	16/17	Change "the other defendant" to "his counsel".
11062	"	21	"in the box" should be "in the box".
11063	9252	28	"Dr. Klieninger." should be "Dr. Plieninger."
11064	9253	2	Change "incorporation" to "foundation"
11065	"	7	Insert "in the meetings of the old Commercial Committee, and from 1932" after "I participated".
11066	"	16	"did you there" should be "did you then".
11067	9254	8	First word "formerly" should be "formally".
11068	"	13	"such a vote" should be "any vote".
11069	"	29	Change "and the character" to read "and at the same time had the function"
11070	9255	28	Third word "agencies" should be "offices".
11071	9257	6	Insert "(See lines 11 ff. below)". after "half an hour".
11072	"	27	Change comma to period after "point"
11073	9259	22	"on December," should be "on 14 September,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11074	9259	31	"Beon Research." should be "Market Research."
11075	9260	4	"Harel" should be "Hardy".
11076	"	5	"Gliederer," should be "Jedorer,".
11077	"	8	Change "who occasionally participated;" to read "and I, and occasionally a number of other gentlemen;".
11078	"	24	"in Germany," should be "in all Germany,".
11079	"	25	Change "certain recommendations that were made for" to read "the recommendations for the first steps towards".
11080	9262	16	Add "af" after last word "facts".
11081	"	25	"did not only understand" should be "not only understood".
11082	9263	10	"took a hand" should be "take a hand".
11083	"	26	Insert "to" before "watch".
11084	9265	6	Insert "and finally" before "they tried".
11085	"	7	Place period after first word "me" and delete next words "and then they tried to resist me."
11086	"	12	Change "counsel" to "one".
11087	9266	12	"Gallup Institute" should be "Gallup Institute".
11088	"	16	Delete third word "would".
11089	"	17	Delete "then" after "government,".
11090	9267	30	"objectives" should be "objections".
11091	"	32	"Earl Schulz" should be "Earl Gehurt".
11092	"	33	"at the dissatisfaction" should be "to the dissatisfaction".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11093	9268	9-11	Change from "names" in line 9 through line 11 to read "names - Braudt, von Flugge, von Breich-Oppert, Jaguer, Koss, von Malzahn, Nieschke, Schulz, Fuhrmann, Petrich, Lederer, Jacobi, Rechanowsky, David, etc."
11094	9269	8	Insert "he" before "helped".
11095	"	22	Second word "Berous," should be "Borou,". "Youngrin," should be "Ljungren,".
11096	9270	4	Delete "at the time,".
11097	"	21	"VO"1." should be "VO"1."
11098	9271	5	Add "Director" after last word "General".
11099	"	8	"Mr. Kap;" should be "Mr. Kapp;". Insert "de La Grange, the Chairman of the French Senate Committee for Foreign Affairs;" after last word "Blanchi".
11100	"	9	Insert "Director" after "General".
11101	9272	11	"Lagown," should be "de Gorn,".
11102	9273	10	Change "that it is very definite." to read "what it was"
11103	9274	22	Change "was due to" to read "was influenced by".
11104	"	23	Insert "the planned economy" after "controlled economy,".
11105	"	26	Change semi-colon to comma after "considerably".
11106	"	27	Change "however," to "but".
11107	"	28	Complete paragraph with following sentence "We have corrected this point in our documents."
11108	"	31	"92," should be "93,".

From No	Transcript Page	Line(s)	PROPOSED CORRECTION
11109	9275	23	Delete "K" and "L".
11110	"	24-25	Change from "case of" in line 24 through line 25 to read "case of mobilization by Farben and all other important firms of the private economy, namely the so-called M and L enterprises."
11111	9277	19	Insert "preferred to" after "deferment,"
11112	9279	3	Insert "control" after "exchange".
11113	"	11	"billion." should be "million."
11114	"	19	Insert "promotion of" after "Europe,".
11115	"	20	"This cultivation" should be "The cultivation".
11116	9280	5	"to all countries almost" should be "to almost all countries".
11117	"	9	Change comma to period after "countries". Begin new sentence with "The German" in line 10.
11118	"	13	Delete "was" before "decreased".
11119	"	21	"domestic boom" should be "domestic boom".
11120	9281	6	Insert "arrangement" after first word "export".
11121	"	12	Delete last words "from exports".
11122	"	17	Insert "this fund" after "created,".
11123	9282	2	Place comma after "purpose". Next word "that" should be "which".
11124	9283	20	"I felt" should be "I felt".
11125	9284	4	"inconsequent consequences" should be "consequent inconsequences."
11126	9285	20	Delete comma after "existed".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11137	9285	27	Insert "officials" after first word "the". Also insert "for 2 years" after "existence".
11138	9286	17-18	"That was a critical opinion to be expressed about" should be "It was a critical opinion about".
11139	"	23	Delete second word "for".
11140	9287	13	Change "concentration" to "licensing".
11151	"	32	Delete comma after second word "in".
11152	9289	14	"any, I pronounce" should be "say I, pronounce".
11153	9291	7	"Dr. Guernert," should be "Dr. Geernert,".
11174	"	12-13	"in the SS respect," should be "in respect to the SS,".
11195	"	22	Place comma after last word "Geering".
11196	"	23	Change "Geering -- I mean, "much wasn't an important," to read "I mean, "much was".
11197	"	24	Insert "especially in the chemical sector," after first word "non,".
11198	"	25	"And to me personally," should be "And I personally,".
11199	"	26	Delete "I" before "told".
11200	"	27	Change "this and then he told me he was a very" to read "this matter and then he told me "much was indeed a very".
11241	"	28	Insert "he" before "couldn't".
11242	"	2	Place comma after "initiative" and delete next words "and experience".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11143	9291	12	Change "to exposed" to "to turn out".
11144	9292	1	Change line 1 to read "because on the other hand, the SS pursued this field of research, and always with their other efforts for power, sought also to get this matter in their hands. Goering, on the other".
11145	9293	10, 12	"OVERTEXT" should be "GOVERNMENT".
11146	9296	6	"different" should be "difficult".
11147	"	10	Change "to scrutinize" to "to look for".
11148	"	11	Change first word "with" to "in".
11149	9297	4-5	Change from "conferences" in line 4 through line 5 to read "conferences and know the person he spoke to in conferences and know above all who participated in the conferences, or were there".
11150	"	13	"fora oval" should be "for several".
11151	"	14	Change "and where it would be," to read "would be where,".
11152	9297	17	Place period after "work" and delete next word "so,".
11153	"	22	"will hot" should be "will get".
11154	"	24	"asked" should be "asked".
11155	9298	15	Delete first word "were".
11156	"	29	"staring" should be "starting".
11157	9299	5	Insert "in" after "I was".
11158	"	7-9	Change from "lying" in line 7 through line 9 to read "lying for weeks on the floor in Moosburg, wrapped in blanket and I had no more memory about this. If I had been treated better I would have been very glad to answer the question, but at the moment I lay wrapped in blankets and I had no memory."

Page	Transcript Page	Line(s)	PROPOSED CORRECTION
11159	9299	26	Change "once more" to read "I would like".
11160	9300	5	"the opinion" should be "his opinion".
11161	"	7	"Krauch did represent his opinion" should be "Krauch's opinion".
11162	"	8	Change line 8 to read "labor, out of exports of of skilled workers, based".
11163	"	9	Delete "opinion of".
11164	"	10	Insert "and" after "inmates".
11165	"	11	Change "this business" to "economy".
11166	"	12-13	Change from "was a" in line 12 through line 13 to read "was a scientific man and as a German man interested in the matter."
11167	9301	23	"were then" should be "there were".
11168	9302	18	Delete "detention".
11169	"	25	Change "with them" to "with Goebbels' pictures."
11170	"	30	Insert "for" before "all these".
11171	9303	6	"that was" should be "which was".
11172	"	9	Change second word "somewhat" to "something".
11173	"	12	"to a castle from Berchtesgaden" should be "to the castle Bad Honorf from Berchtesgaden".
11174	"	13	Change "trunk and it" to "trunk which was always with him and".
11175	"	14	Change "That such a trunk is" to read "And because the trunk had to be".
11176	"	15	Place comma after "there". Change next words "and when one asked me" to read "I was repeatedly asked".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11177	9303	17	Place period after first word "things".
11178	"	18	"with another man" should be "with a certain man".
11179	9304	5	"responsible" should be "responsi-
11180	"	7	"let go" should be "let's go".
11181	9305	16-17	Delete "the connecting interest of the witness".
11182	9313	30	Last word "expert" should be "ex-ports".
11183	9315	27	Delete "there appears, that". Also delete comma after next word "is".
11184	9316	5-6	Delete "which were actually -- and the final version was".
11185	"	7	"missed" should be "miss".
11186	9318	20	Change line 20, to read "as the name given to the plan by Goering shows. It was called 'The'".
11187	"	22	"were always" should be "were al-ways".
11188	9325	16	"at the time" should be "at that time".
11189	9327	6	Change "minutes" to "records".
11190	9328	21	Change last word "being" to read "since you are".
11191	"	25	Delete "with" before "the effects".
11192	9330	11	Change period to comma and insert "Prosecution Exhibit 2300." After "HI-14700".
11193	9331	7	"one such Chief?" should be "such a Chief?"
11194	9332	8	"Beck Gadowski." should be "Beck f Gajowski."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11195	9333	14	Change "these signatures are" to "this designation is".
11196	"	18	"about documents" should be "about a document".
11197	9334	1	"as if he said," should be "then if he said,".
11198	9335	22	"have had" should be "have made".
11199	9335	8	Insert "should" after "Defense". Also insert "as to" before "physical".
11200	"	14	Last words "made the" should be "make the".
11201	9337	6	Place quotation marks after "right,". Next word "and" should be "or". Also place quotation marks before last word "the".
11202	"	28	Change period to comma after "circumstances".
11203	9338	11	"is part from some" should be "is apart from some".
11204	"	28	"have not signed" should be "do not sign".
11205	9339	16	Place period after "necessarily". Delete next word "and".
11206	"	19	Insert "him" after "I asked".
11207	"	22	"Mueller." should be "Miller."
11208	9340	3	Last words "that a" should be "that for a".
11209	"	5	Change line 5 to read "by the Prosecution with consideration for the corrections of".
11210	"	6	Place comma after "Dr. Ritter". Next words "and I agree" should be "I will agree".
11211	9341	2	Insert "when" after "matter as".
11212	9343	4	"it cal be read." should be "it can be read."
11213	"	24	"Mueller" should be "Miller".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11214	9344	11	Second word "signature" should be "signatures".
11215	9349	27	"that is being" should be "that he is".
11216	9351	34	Change first word "copy;" to "statement;".
11217	9354	7	"clear to that." should be "clear as to that."
11218	9355	15	Delete "something".
11219	9356	11	"it is getting" should be "they are getting".
11220	9359	9	Insert "that," after "today and".
11221	9361	15	Delete comma after "Government".
11222	"	16	"increased" should be "increase". Change question mark to comma after "fiber".
11223	9363	24-25	"cellulose and artificial rayon." should be "cellulose wool and artificial silk."
11224	9367	12	Insert "that" after "anything for".
11225	9369	6	Insert "wool" after "cellulose".
11226	"	19	"he did." should be "they did."
11227	9370 & ff	7 & ff	"cellulose" should be "cellulose wool".
11228	9372	2	"plant" should be "plan".
11229	9373	38	"which was not" should be "as was not".
11230	9374	16	Place quotation marks before "when in 1933".
11231	"	30	Place quotation marks after "justified."
11232	9377	34	"Dr. Trendlenbeg." should be "Dr. Trendelenburg."
11233	9378	18	Change "foreign political" to "commercial".
11234	9379	14	Place comma after "by force".
11235	"	27-29	Change from "collected" in line 27 through "Germany" in line 29 to read "collected the industrialists in a program of propaganda to be spread abroad for the new Germany."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11236	9380	20-28	Change "Alkali" to "Potassium".
11237	9380	31	Change "Diet" to "Association".
11238	"	23	Complete paragraph with "I believe two or three."
11239	9382	6	Add "Consul" after last word "General".
11240	"	12	"Goetsborg" should be "Goeteborge Handels og Sjøfarts Tidende".
11241	"	13	Insert "as Mr. Bohn" after "such people".
11242	"	32	Insert "especially" after "been".
11243	9386	26	"Frank Garisner," should be "Frank Gardon,".
11244	"	28	"Qui Roman" should be "Qui Romo".
11245	9387	1	"to Robert Byrnes and Robert Byrnes" should be "to Roland Byrnes, and Roland Byrnes".
11246	"	5	Place quotation marks after "Standard Oil". Next words "and other industrialists" should be "also an industrialist." Place quotation marks before last word "He".
11247	"	6	"had to be" should be "has to be". Place quotation marks after "seriously".
11248	"	25	"Anilinox" should be "Anilino,".
11249	9389	15	Add "he had" after last word "later,".
11250	9391	12-14	Change from "cable;" in line 12 through line 14 to read: cable: "Will come myself to see." Ivy Lee cabled: "I am ready to come." He wanted to make a trip to Italy and Belgium anyway, I believe on the Solvey matter, and he actually did come.
11251	9393	22	Change last word "exports," to read "industrial and export interests,"
11252	9395	4	Delete "ti" after "To make".
11253	"	7	"I didn't" should be "It didn't".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11254	9397	1	Second word "that" should be "who".
11255	"	8	"Boon Research 'Konjunktur Forschung'" should be "Market Research" (Institut fuer Konjunktur Forschung)".
11256	"	21	"Boon Research" should be "Market Research".
11257	9398	3-5	"addressee" should be "addressees".
11258	"	5	Change "by people who assumed" to read "in the assumption".
11259	"	28	Delete last two words "and Conference".
11260	9399	7-8	Delete "with you" after "discuss". Change "Farben; also did he discuss them" to read "Farben and yourself".
11261	"	10	Line 10 should begin as follows: "A. In no way whatsoever. He talked...."
11262	"	12	"A.P.U.P." should be "Associated Press, United Press,".
11263	9400	3	Insert "who was a press man" after "Passerger,".
11264	9403	7	Change "the promotion of the" to read "the endeavor for the promotion of".
11265	9404	29	"Alkali" should be "Potassium".
11266	9408	18	"when had" should be "when we had".
11267	9410	19	Insert "higher" after "to pay".
11268	9412	26	Insert "(Vertrauensmann)" after "confidential agent".
11269	"	27	Insert "(Verbindungsmann)" after "liaison man".
11270	9413	5	Change first word "process" to "method of proceeding".
11271	"	25	Change "the ZEP, the liaison man" to read "the ZEP confidential agent".
11272	"	28	Change "the automobile union" to read "the agency of the Auto-Union".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11273	9413	31	First word "used" should be "satisfied".
11274	9416	4 & ff	"combine" should be "combines"
11275	"	9	Place period after last word "matters", Begin new sentence with "Since" in line 10
11276	"	10	Place period after "Frankfurt" and begin new sentence with "The A.O." Change "was used" to "was to be used".
11277	"	12-13	Place period after "WIPG". Change next words "was incorporated." to read "You said the A.O."
11278	"	24	Change second word "Farben" to "the A.O."
11279	"	27	Place comma after "WIPG". Delete comma after "director".
11280	9417	4	"in 1937" should be "to 1937".
11281	"	5	Change period to comma after "increased". Continue sentence with "as we". Also change comma to period after "Austria". Begin new sentence with "We did" in line 6.
11282	"	16	"Now we could decamoufl" should be "Now we all must decamouflage".
11283	"	18	Delete "us" after "was up to".
11284	"	19	"O.A." should be "A.O."
11285	9419	6	Place comma after "Gretel".
11286	"	14	"Woni" should be "VOWI".
11287	9420	10	Change "a friend of my father's," to read "a fatherly friend,".
11288	"	18	Insert "and in the Foreign Office," after "Economics".
11289	"	32	"Exhibit 561," should be "Exhibit 661,".
11290	9421	1	Change second word "my" to "their".
11291	"	3	"that report" should be "his report".
11292	"	5	Delete "as" before "my associates".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11293	9421	6	"Woni" should be "VONI".
11294	"	20	"Exhibit 767" should be "Exhibit 776".
11295	"	32	Insert "promotion of" before first word "export".
11296	9422	2	Insert "Committee" after first word "Asia".
11297	9423	16	Insert "and so" before "I asked my".
11298	9424	14	Change "as I did" to "than".
11299	"	17	"A proper" should be "In a proper".
11300	9425	19	"South States." should be "South America."
11301	9425	8	As above.
11302	"	20	Delete "von" before last word "Cannon".
11303	"	26	Add "769" after "779, 791." at end of line.
11304	"	27	Change first number "798" to "799".
11305	9427	1	Place period after "contributions". Begin new sentence with "But".
11306	"	3	Change comma to period after "exporter". Begin new sentence with "Moreover".
11307	"	4	Change "always" to "officially".
11308	"	15	Change "archaeological" to "charity".
11309	"	33	"with the Zav" should be "with a".
11310	"	26	"the life stuff, sale of dies." should be "the dyestuff palette, sale of dyestuffs."
11311	"	29	Insert "a" before second word "powder".
11312	"	30	Insert "a" before last word "nitrogen".
11313	9428	9	Insert "activity of" before "national".
11314	"	10	Delete "competence, business".
11315	"	16	Insert "in smaller circles." after "New York".
11316	9429	2	"and these" should be "which".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
U317	9429	3	"hai made" should be "had had".
U318	"	13	Insert "it" after "found".
U319	"	16	"Exhibit 91," should be "Exhibit 791,".
U320	"	28	Delete "were" before "classics,".
U321	9430	21-22	Complete paragraph ending in line 21 with line 22, changed to read "There was some National Socialist literature among them."
U322	"	23	Change line 23 to read "Q. Yes, you are right. But as to the shipments to the non National-Socialist agencies, there I found out".
U323	"	24-25	"non existent. That at least was" should be "non existent, at least for".
U324	9430	to 20	Change "where second-hand books were to be found only there." To read "where books printed in antiqua were available — in Latin America only books printed in antiqua are usable."
U325	9431	1	
U326	9434	9	Change line 9 to read "immediately after the commencement of hostilities, that is, two months earlier, was not sent".
U327	"	11	Change "incriminating" to "troublesome".
U328	"	24	"management of companies" should be "management of the light metal field".
U329	9436	7	Delete "and" after "signed".
U330	"	8	Change "Trade Plenipotentiary" to "commercial agent".
U331	"	14	Insert "who" before "had been" at beginning of line.
U332	"	16	Change period to comma after "Farben". Delete next word "They".
U333	"	19-20	Place period after "project". Delete "and were friends for many years."
U334	"	22	Change "without," to "away with."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11335	9436	38	Change "expanded" to "constructed".
11336	"	29	"to expand" should be "to construct."
11337	9437	30	Change "was designated 'Norsk-Hydro'" to read "mentioned Norsk Hydro by name".
11338	9438	13	Delete third word "was". "that may form" should be "that would form".
11339	"	25	"DAF" should be "DAG".
11340	9439	1	"Veroin Preg" should be "Pregor Veroin".
11341	"	18	First word "between" should be "on".
11342	9440	11	Insert "a file-note for Dr. Krueger concerning the Polish dyestuff factories. I have two" after "This is".
11343	"	12	Delete "you mentioned,".
11344	"	14-20	"plant." should be "plants."
11345	"	26	Change "coal" to "Poland".
11346	9442	5	Change "time I was ever alone" to "conversation I ever had".
11347	"	14	Change "Carlo Ferrario;" to "da Leboro;".
11348	9443	7	Change "to obtain an advance" to read "to obtain a small increase".
11349	"	11	Change "Supervisory Board," to "Aufsichtsrat,".
11350	"	36	"had" should be "has" after "plan".
11351	9444	3	Last word "matters" should be "difficulties".
11352	"	26	Change "to store" to read "to work on".
11353	9445	21	Change line 21 to read "was never executed. In the Teutechenthal plant later magnesium lye was worked from potassium chloride wastes".
11354	9446	3	Change "transmit these" to read "transmit this copy".
11355	"	23	Change "concerning" to "of the partners of".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11356	9446	31	Change comma to dash after "Neuhausen". Also place dash after "company".
11357	9447	17	"necessary or an" should be "necessary for the".
11358	"	26	"in the month" should be "in the north".
11359	"	26	"assumed." should be "assured."
11360	9449	16	Change period to comma after "happened". Also change next words "I may add that as opposed" to read "namely, contrary".
11361	"	18	Change period to comma after "(them) solves". Next words "I said" should be "I have explained".
11362	"	26	Last words "if not?" should be "or not?"
11363	9450	24	"it becomes" should be "it became".
11364	"	25	"we have" should be "we had".
11365	"	26	Insert "for" before "tractors".
11366	9451	14	Insert "was" after "theoretically,".
11367	"	25	Insert "which" after "Frankfurt".
11368	9452	1	Change "say that" to "question".
11369	"	2	"it was subject" should be "they will be subject".
11370	9453	12	Place quotation marks before "Woll,".
11371	"	17	Place dash after last word "office".
11372	"	24-25	Change "after the beginning of the war you were" to read "subsequently you became".
11373	9454	12	Delete "exceptionally".
11374	"	13	Insert "exceptionally" after "permitted".
11375	9455	6	"a routine," should be "the routine,".
11376	9456	9	"documents are" should be "documents were".
11377	9457	16	Change "spotted into" to read "present in".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11376	9458	3	Insert "where" after "In other words,".
11378	9461	30	"precedence in the future to commit" should be "precedent in the future to which to commit".
11380	9462	11	Change period to comma after "documents".
11381	9464	29	Delete "the," after "troubles,".
11382	9465	6	Delete comma and "of" before "liaison men,".
11383	"	12	Change line 12 to read "A. You mean the Zefi Confidential Agents. Under".
11384	"	23	Change "Austria's annexation" to read "the Anschluss of Austria".
11385	9465	3	Change semi-colon to comma after "appointed". "your assistants" should be "their assistants".
11386	"	14-15	Change from "and not Farben" in line 14 through line 15 to read "and not Zefi confidential agents because otherwise the other sales representatives would have felt themselves slighted with justifiable jealousy."
11387	9467	2	Place semi-colon after "time". Change "the Farben liaison men" to read "the Farben liaison man was a salesman; he".
11388	"	6	"and man," should be "salesman,".
11389	"	12-13	Change from "W 7" in line 12 through line 13 to read "W 7 as far as this function was concerned. This was the smaller part at that time. But the assistants exclusively".
11390	"	20	Add "were" after "The man".
11391	"	27	Insert "because" after "resignation".
11392	"	31	Place period after "left" Begin new sentence with "Previously".
11393	9468	7	"In every of these" should be "In everyone of these".
11394	"	17	Place comma after "exist".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11395	9469	17	First word "your" should be "its".
11396	9470	11	"Duerfeld," should be "Doerfler,".
11397	"	28-29	"transferred;" should be "divided;". Change "to which agency." to read "anything about it."
11398	9473	12	Third word "irive" should be "trip".
11399	"	13	First word "Now" should be "Then".
11400	"	19	Change "this drive" to "this trip".
11401	9474	32-33	Change "The clause of the most favored country" to read "The privilege clause".
11402	"	27	Place comma after "agents". Delete next words "by Farben".
11403	9477	16	Change "In 1934, the industrial drive" to read "The meeting of 1934 was a continuation of the trip".
11404	"	17	Delete "was continued".
11405	"	21	"drive" should be "trip".
11406	9478	2	Change "argument." to "dissension."
11407	"	17	Place quotation marks before "we must get".
11408	"	19	Place quotation marks after "this."
11409	"	32	Place period after "language". Delete next words "to state".
11410	"	23	Insert "In Chemistry there is a "before first word "certain".
11411	9479	12	"Petrofilla" should be "Petrofina".
11412	"	19	Change period to comma and insert "and de Groot from the Amsterdam Bank." after "Grandish Bank".
11413	"	21	Change "known, internationally recognized" to read "known professor for International Law".
11414	"	38	Change line 38 to read "and the letters of thanks which exceeded conventional politeness show that end,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11415	9480	13	Insert "of" after "following".
11416	"	17	Change comma to period after "documents". Begin new sentence with "The fact".
11417	"	23	"Book 4C" should be "Book 44".
11418	9481	5	Delete "Ferten had".
11419	9482 & ff. 7 & ff.		"Chernico" should be "Chernyco".
11420	9483	3	"I am not" should be "I was not".
11421	"	9-10	Change "for the organization of" to read "concerning the significance of".
11422	"	15-16	Change "one didn't want to expend it for an exchange for " to read "one couldn't expend it for".
11423	"	17	Change period to dash after "to prove".
11424	"	18	Change period to dash after "negotiations". Continue sentence with "we had".
11425	"	19	"would be" should be "was".
11426	"	23	"if Ferten" should be "since Ferten".
11427	9484	9	"VOMI," should be "VOWI".
11428	9485	7	"VOMI" should be "VOWI".
11429	9487	23	Insert "from the German Institute for Business Research" after "Wagonau".
11430	9488	4	"Brathennau" should be "Rathennau".
11431	"	6	Insert "Vissel who was" after "Minister".
11432	"	8	Delete semi-colon and insert "in modern Germany," after "economy".
11433	"	17	Change "commercial payments," to "payment balances,".
11434	"	25-26	"to mean whether or not" should be "to mean not whether".
11435	"	36	"or whether" should be "but whether".
11436	9489	24	Change "The principle was a mutual" to read as follows: 7497-74-

Item No.	Transcript Page	Line (n)	PROPOSED CORRECTION
11437	9459 (cont.)	24	The principle again was "do ut des", a mutual
11438	9460	8	"VOMIS" should be "VOWI".
11439	"	16	Change comma to period after "founded". Delete next words "the way it developed."
11440	"	17	Change period to comma after "Ritter". Next word "He" should be "who".
11441	9491	22	Change line 22 to read "calendars, such small calendars, as we had in our department."
11442	9493	4	Insert "For" before first word "hundreds".
11443	"	5	Change "only" to "including".
11444	"	8	Delete "DR. NATH:"
11445	"	9	Insert "Dr. Nath," after "dispositions,".
11446	"	14-15	Change "soft coal for derivatives," to read "brown coal derivatives,".
11447	"	21	Delete "Pileuski".
11448	"	37	Insert "and Adjutant" after "Captain". Place period after "Rockelberg" and delete last words "and adjutant."
11449	"	26	"the Ordnance Offices," should be "the Army Ordnance Officer."
11450	"	29	Change "he was the man who" to read "his Excellency Rockelberg".
11451	"	30	Delete "Excellency Rockelberg."
11452	9495	7	Change "as follows: Why" to read "the reasons for founding of".
11453	"	8	Place period after "Vienna". Delete next words "was founded."
11454	"	15	Change line 15 to read "the Chemical Sales Company Donau, GmbH, the Donau Chemie,".
11455	"	23	Delete "has" after "Reithinger",
11456	9496	11	Delete last word "present".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11457	9496	12	Delete "VOMI, or of the".
11458	"	26	Delete second word "of".
11459	9498	23	Change last words "and that" to read "the Economic Department".
11460	"	24	"These were" should be "This was".
11461	"	25	Delete "friendly".
11462	9499	29	Insert "when" after "1934,".
11463	9500	18-19	"in Berlin NW 6 this" should be "Berlin NW 7, and this".
11464	"	30	"Officers" should be "Officer".
11465	"	31	Change "in respect of" to read "the relationship of".
11466	9501	1-2	"mentioned to Professor Selck but" should be "mentioned, under Professor Selck. But".
11467	9502	3-3	Change "the record" to read "the Mail Meeting Minutes".
11468	"	17	Delete "maintained" before "Legal". "Finance Department" should be "Finance Ministry".
11469	"	18	"Justice Department" should be "Justice Ministry". "VOMI" should be "VOMI".
11470	"	19	Insert "as" before "has already".
11471	"	21	Delete "to" before "the Reich".
11472	"	23	"clear." should be "short".
11473	"	25	Insert "the" before "jurisdiction".
11474	9503	6	Change semi-colon to comma after "WIFO". Next words "there were even" should be "exactly".
11475	"	7	Delete "even" before "thirty".
11476	"	17	Insert "in" after "mistake here,".
11477	"	25	"trico" should be "tripe".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11478	9504	2	Last words "to a" should be "from a".
11479	"	7	Place comma after "NW 7".
11480	"	14	Insert "it was the" after "Originally".
11481	"	25	Place comma after last word "experiences".
11482	9505	7	Delete "alone".
11483	"	19	"Chanyco, VOMI" should be "Chennyco, VOWI".
11484	"	21	"furnishing" should be "procurement".
11485	9506	10	Last word "time." should be "him."
11486	"	20	Change last word "got" to "had to go".
11487	"	21	"July, neeis" should be "July affair, needed".
11488	"	23	"outside of" should be "aside from".
11489	9507	15	"Dupon reports;" should be "The Dupont report,".
11490	"	17	Delete "which these gentleman".
11491	9508	22	"offico" should be "officer".
11492	9510	7	"to correct you." should be "to correct something."
11493	"	25	"Mr. Blocherr" should be "Mr. Bloch or".
11494	9511	5	"N.W.J." should be "NW 7".
11495	9514	5	"Folke," should be "Focke,".
11496	9515	7	Insert "the Carl" before "Schwarz".
11497	"	24	"MET" should be "Met".
11498	9518	7	"subsequently" should be "subsequent".
11499	9520	10	Delete "to have said something".
11500	"	17	"was head" should be "was heading".
11501	"	27	Place period after "hanged". Begin new sentence with "In".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11502	9520	28	Change period to comma after "1939". "has aining" should be "was aining".
11503	"	31	"though many" should be "thought many".
11504	"	32	"from then" should be "for then".
11505	9521	6	Change comma to dash after "Dietrich". Insert "- we placed him at the disposal of the MEK (Central European Economic Conference)." after "all three of us".
11506	"	21	Change first word "experiments" to "inquiry".
11507	"	25	"explored to" should be "exported to".
11508	9522	20	Change comma to dash after "exports".
11509	"	22	Change comma to dash after "world".
11510	9533	8	"could and" should be "sound and".
11511	"	12	Change period to semi-colon after "134". Insert "still" before next word "later". Change dash to semi-colon after "Holmerding".
11512	"	13	Delete "gave me the task for this,".
11513	9534	1	Insert "economic" after "private".
11514	"	6	"your Dr. Ilgner," should be "you, Dr. Ilgner,".
11515	"	16	Place period after "affidavit".
11516	"	23	Change "the delegational leader" to "the Landesgruppenleiter".
11517	9535	9	Insert "since" before "1931,".
11518	"	14	Change "the OWM, committee meeting" to "the Reich Economics Ministry".
11519	"	26	"unworthy selling out" should be "unworthy plants-selling-out".
11520	9536	4	Delete first word "they".
11521	"	22	Place comma after "that is".
11522	"	23	Place comma after "living". Also after "that is".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11523	9527	10-11	Change from "Rumania," in line 10 through "Rumania" in line 11 to read "Rumania, how one had to consider the special feeling for nationalization in countries. In the companies which we founded in Rumania".
11524	9528	3	Change comma to period after "Farben". Begin new sentence with "Compared".
11525	9528	12	"which is so" should be "which was so".
11526	9529	27	Place semi-colon after "quotes".
11527	"	31	Change period to dash after "1940".
11528	"	32	Change period to dash after "exhibit".
11529	9530	1	Second word "Chemistry" should be "Chemie,".
11530	"	5	Place quotation marks after "finished."
11531	"	9	Add "Just" after last word "by".
11532	"	18	"In what" should be "Not what". Place period after "writes". Begin new sentence with next word "If".
11533	"	23	Change "The basic plan for organizing" to read "The basis of the organization principle of".
11534	9531	3	Second word "in" should be "on".
11535	"	7	Place comma after "Vienna".
11536	"	6	"in the Jewish question" should be "on the Jewish question".
11537	"	12	"By Mr. Haefliger to the office" should be "signed by Mr. Haefliger and Dr. Krueger to the office".
11538	"	20	Delete comma after second word "have". Also delete following words "it is true".
11539	9532	31	Change "we sought greater reserves" to read "we saw great reserves".
11540	9533	10	Insert "to Anilin Chemie." after "possession".
11541	"	11	Change line 11 to read "The Anilin Chemie, Dr. Math, is a Farben organization, which means in plain".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11542	9533	25	"to Mr. Johan" should be "for Mr. Johan".
11543	9534	9	"and in any other way" should be "or in some way".
11544	9535	12	Change first word "contract" to "contact".
11545	"	25	Place comma after "one time".
11546	9537	1	Change last word "Chemistry," to "Chemio,".
11547	"	2	"a part from" should be "besides".
11548	"	10	"that the Skoda" should be "that is, the Skoda".
11549	"	30	"now before us," should be "now as before,".
11550	9539	2	Insert "was" after "Anschluss".
11551	"	9	Change period to comma after "deteriorated". Continue sentence with "the Austrian" in line 10.
11552	"	19	Change "namely, because" to read "and that was because".
11553	"	29	First word "Was" should be "Had".
11554	9540	8	Delete third word "but".
11555	"	11	Delete "be" before "so that".
11556	"	22	"our plants," should be "our plans,"
11557	"	36	"with Witzler" should be "Works Wetzlar".
11558	9541	15	Change "Reich German authority" to "Austrian authority".
11559	"	16	Insert "That is Prosecution Exhibit 1C71. And Farben made one to the competent Reich authorities." after "competent for it."
11560	"	31	Change period to comma after "yourself". Continue sentence with "in other".
11561	"	23	Place period after "Transportation". Begin new sentence with "That evidently".
11562	"	28	Insert "of" after "transfer".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11563	9543	27	Insert "of the Vorstand" after "full member".
11564	"	26	"who as already" should be "who has already".
11565	"	29	Insert "and who" before "conducted".
11566	9544	1	Change period to comma after "settled".
11567	"	14	Insert "as" before "I already".
11568	"	15	Change period to comma after "respect".
11569	"	16	Insert "We were controlled by NS Commissioners," after "NS authorities."
11570	9545	5	Change "designed" to "designated".
11571	9547	27-38	"I was ordered, to do that" should be "I was commissioned for this matter".
11572	9548	6	Place quotation marks after "infamous".
11573	"	7	Delete quotation marks after "question."
11574	9550	14-15	Change entire line 14 through "were expanded" in line 15 to read "Bosna Jajce, and Iperi in Hungary, the Mitromania Prima Societate in Roumania, were expanded".
11575	9551	13	Change "The claim" to read "This contention".
11576	"	20	Insert "and a friend of Paul Mueller of DAG Troisdorf." after "seventy years old".
11577	9552	16	Change "Reichsmarks" to "crowns".
11578	"	17	Insert "each" after "2.25 million".
11579	9553	12	Change line 12 to read "repeatedly. But Mr. Philipp was both a banker and".
11580	"	26	"the A.G. Dynamit" should be "the D.A.G. Dynamit".
11581	9555 & ff 27&ff		"Seiden" should be "von Hayden".
11582	9556	10	"I am competent" should be "I was competent".
11583	9557	22	"the Zirno Bank," should be "the Zivnostenska Bank,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11584	9557	30	"Robano Voenjac." should be "Robbenyo."
11585	9559	30	"this is a new" should be "that there was a new".
11586	9560	23	"Book 68," should be "Book 63,".
11587	9561	26	Insert "the Eastern companies" after "returning".
11588	9563	12	Place quotation marks after "Degussa,".
11589	"	13	Delete quotation marks after "Frankfurt on the Main" and place them before next word "as".
11590	"	13-14	"administration." should be "administrator." Delete quotation marks before next word "Farben".
11591	"	35	"Dr. Bierliche" should be "Dr. Gierliche".
11592	9564	8	Delete "senc" before "Chemistry".
11593	"	14	Delete second word "of".
11594	9565	8	Delete last word "had".
11595	"	16	Place period after "responsibility" and delete next words "they were."
11596	9567	24	Place comma after "NW 7".
11597	9571	26	"Document NI-67100," should be "Document NI-6700,".
11598	9572	15	"I have pointed that out, that was" should be "I pointed that out, it was".
11599	"	16	"and believe" should be "and belief".
11600	"	16	"made to be" should be "made to do".
11601	9573	22	Place period after "from me". Begin new sentence with "In Muenberg,"
11602	9574	10	Place period after "Committee"... Begin new sentence with "These" in line 11.
11603	"	14	Insert "and" after "individuals".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11604	9576	12	Place comma and insert "and" after "stockholder meetings".
11605	"	26	Delete "and quote,".
11606	9577	9	Delete "A" at beginning of line. Line 9 is the continuation of Question and should follow after "documents." in line 8.
11607	"	11	Delete "Q" at beginning of line. This line still continues the Question and should follow after "now." in line 10.
11608	"	18	Insert "the period from" after "I skip".
11609	9580	13	"In 1941" should be "In 1943".
11610	9561aff	1 &ff	"Nordak-Hydro" should be "Norsk-Hydro".
11611	"	29	"this Frenchman" should be "the Frenchman,".
11612	9562	11	"Nordisk Lettmetall," should be "Hansa Leichtmetall,".
11613	"	13	"in this was," should be "in this way,".
11614	"	19	Place comma after "how many".
11615	"	23	Insert "Stockholm," after "in Oslo,".
11616	"	24	Delete "when" after "later on".
11617	"	31	"he went" should be "we went".
11618	9569	1	"And were you" should be "And are you".
11619	"	9-10	Change from "conditions" in line 9 through line 10 to read "conditions for the three weeks I was there; after that I was taken to Auschwitz."
11620	9561aff	6&ff	"displaced person" or "displaced persons" should be "deportee" or "deportees".
11621	9565	30	"and they had not been" should be "who had not yet been".
11622	9526	10	"this life" should be "this line".
11623	"	19	Change "purely" to "fairly".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11634	9596	25-26	Delete "assuming that we are completely --(Mike cut off)--".
11635	9598	16	"which has served" should be "was a man who served".
11636	9598	17	Insert "who" before "could give".
11637	"	18	Delete "and" before "according".
11638	"	22	Change "to the number which entered the camp," to read "to their information,".
11639	"	24	Insert "of the total transport," after "women".
11639	"	25	Change "by a special favor," to read "under special circumstances, and we were".
11631	9602	9	Change period to comma after "started". Last word "on" should be "at".
11632	9603	3-7	Delete "on" after "earlier".
11633	"	21-22	"they ask" should be "he asked".
11634	"	23, 24	Change "And then the third part. They want to ask him." to read "And then comes the third part of the question."
11635	9604	10	"to advise a patient" should be "to take care of a patient".
11636	9605	6	Change question mark to period after "answer".
11637	"	23	Delete "then".
11638	9606	23	"was for several times found with" should be "several times found myself with".
11639	"	27	Last words "who, of" should be "But".
11640	"	30	Change question mark to period after "epidemic".
11641	9607	2	"what he knows" should be "whether he knows".
11642	"	15	Change "these bodies" to read "in the case of the large numbers,".
11643	9608	7-8	Change "one particularly tried to show them" to read "was shown to them was". Also insert "a" after "in German,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11644	9609	16	"one admitted then" should be "they were admitted".
11645	9611	25	"Did you" should be "Were you".
11646	"	26	"even" should be "ever".
11647	9613	11-12	Change from "and it" in line 11 through line 12 to read "and it will be impossible later after further cross-examination. Then I will not be able to get anything to say."
11648	9614	15	"at the time" should be "on time."
11649	9616	7	"did you heard" should be "did you hear".
11650	9617	Pagination	Pagination of page numbered 9617 beginning "Mr. MINSKOFF: There is no" should be corrected to 9616 A.
11651	9616-A	10	Place period after "cross-examination".
11652	"	25	Change "they had to consider quite clearly" to "they considered it quite clear".
11653	9618	Pagination	Pagination of page numbered 9618 beginning "we that in 1939" should be corrected 9616 B.
11654	9616-B	1	"and the card came" should be "when the case came".
11655	"	2	Delete "and" after "Leipzig". "had been acquitted" should be "were acquitted".
11656	"	3	Place period after "evidence" and delete next words "against him."
11657	9618&ff	7&ff	"Wollenberg" should be "Wallenberg".
11658	9618	10	Change "investment" to "increased".
11659	"	11	"53 per cent" should be "43 per cent".
11660	"	20	Change period to comma after "not". Change "But" to "because".
11661	9619	14	"17 held 25" should be "we held 25". Insert "since 1927." after "firm".
11662	"	18	"that was" should be "that is,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11603	9620	14	"to Paris" should be "in Paris".
11604	"	22	Change "but for our side," to "besides for our side,".
11605	"	20	Delete "as" before "Exhibit 1024,".
11606	9621	3	Place quotation marks before and after "that the Visa,". Also place quotation marks before last word "with,".
11607	"	4	Place quotation marks after "Economics,".
11608	"	6	Place quotation marks before "through,".
11609	"	6	Place quotation marks after "Norsk-Hydro,".
11670	"	19	Place period after "interests". Next word "of" should be "if".
11671	"	20	Change period to comma after "Norsk-Hydro". Continue sentence with "it would".
11672	9622	6	"Norwegian kronen" should be "Norwegian kroner".
11673	"	14	Delete comma after "1941".
11674	"	20-25	"105 million" should be "160 million".
11675	"	24	"with magnesium" should be "of a magnesium".
11676	9624	15	Insert "not" after first word "percent".
11677	9625	2	"their right" should be "their stock rights".
11678	"	19	Change line 19 to read "would have happened in the normal course of business."
11679	9626	7	"translation" should be "transaction".
11680	"	14	"I have nothing" should be "I had nothing".
11681	"	15	Change "means by this," to read "means by fictitious consideration,".
11682	9627	7	Place period after first word "(Norwegian)". Begin new sentence with "They are".
11683	"	25	"this would endanger" should be "this would endanger".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11694	9626	5	Change period to comma after "Terhoven". Also change following words "he was arrested by Reich Commissar Terhoven" to read "because".
11695	"	10	"prisoner." should be "prisoners".
11696	"	23	"all the war" should be "the whole war".
11697	9630	4	Insert "Committee" after "Southeast Europe".
11698	9631	9	Insert "(WIPO)" after "Department".
11699	"	27	"WIMP?" should be "WIPO?".
11699	9633	22	Insert "your affidavit," before last word "Exhibit".
11691	"	23	Delete "of your affidavit".
11692	9635	2	Second word "fren" should be "for".
11693	"	15	"to report" should be "a report".
11694	9636	5	"to Yugoslavia." should be "for Yugoslavia."
11695	"	27	Change "to take on" to "to accept".
11696	9637	5	"so that" should be "and that".
11697	"	11	Insert "at that time" after "Economics".
11698	"	13	"as military service." should be "on compulsory service."
11700	9639	4	"salon" should be "sales".
11701	"	17	Change "Fuelep Weiss and another man," to read "Philip Weiss and the other gentleman, Philipp and".
11702	"	30	Change "and take over" to read "and also".
11703	"	21	Insert "able" after "we needed".
11704	9639	3	"Fuelep Weiss" should be "Philip Weiss".
11705	"	13-14	Change from "achievements" in line 13 through line 14 to read "achievements and their usefulness. Prasture went through a very fine development, technical industrialization, and also the subsidiaries, for which Gattineau and Mayer were responsible." 8697 (-57-)

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11706	9641	26	"Halfelt" should be "Halfert".
11707	"	28	Insert "the" before "Oil-Sparte."
11708	9642	12	"he was an official," should be "he was a government official,".
11709	"	19	"drafted from civilian" should be "drafted for military and civilian".
11710	"	31	"Ministries," should be "Ministry."
11711	9643	1-3	Delete "I have a few more questions for clarification."
11712	9644	2	Insert "Exhibit 2000," after "SI-3972,".
11713	9645	6	Insert "of the Dresdner Bank with the Banque de Paris" after "this action".
11714	"	11	Insert "into the Nitrogen sector" after "Vier". Place comma after "prevented" and delete next words "by the nitrogen sector,".
11715	"	15	Change entire line 15 to read "on his position as the president of the La Cia, and".
11716	"	16-17	Delete "had" after "Vier". Change "it should now cause them to" to read "it would".
11717	"	21	Insert "acquired by the Dresdner Bank" after "these shares".
11718	"	26	Last word "trial," should be "time."
11719	"	32	Change period to comma after "of course" and complete sentence with "we were something like a body guard for Nurek-Hydro."
11720	9646	13	"May 9, 194," should be "May 9 1941,".
11721	9649	17	Place quotation marks after "not."
11722	9651	7	"How much, but not enough," should be "how many, but enough."
11723	9653	1	Delete "refused" after "that you".
11724	"	2	Insert "refused" after "office,".
11725	"	10	Place quotation marks after "fair."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11726	9654	18	Place comma after "collaboration". "what we understood that" should be "as we understood,".
11727	9657	3	Insert "that" after "not true". Change last word "voted," to read "with voting power,".
11728	"	22-23	Change "have posted or might have posted him about it." to read "or should not have kept the French posted about."
11729	9659	20	Change "to you" to "to the defendant".
11730	9659	2	Last word "a" should be "no".
11731	"	3	Place comma after "Kursk Hydro" and delete next words "in 1941".
11732	"	14	"Krones," should be "Kronen," (twice).
11733	"	19	Insert "correctly," after "this question".
11734	"	22	Insert "was" after "report which".
11735	"	30	"that his" should be "that this".
11736	9660	10-11	Change lines 10 & 11 to read said in his affidavit that "we (the Creditanstalt) never wanted to separate ourselves from the participation" and that is not true".
11737	9661	15-20	Change "Mr. President," to "Mr. Defendant,".
11738	9662	17	Insert "about" before "this letter".
11739	"	14	Change comma to semi-colon after "quite right".
11740	9663	2	Place period after "clearly". Begin new sentence with "Because".
11741	"	3	Change period to comma after "the Jews".
11742	"	5	"relations" should be "relation".
11743	"	9-10	Change from "Creditanstalt" in line 9 through line 10 to read "Creditanstalt. There was an exchange, one man of the Creditanstalt came to us and I went to their Aufsichtsrat".
11744	9665	23	Change "He Aid" to "Dr. Zinsner did".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11745	9655	29	Change "incorporated" to "founded".
11746	"	30	Change "artificial fiber" to "cellulose wool".
11747	"	31	"that this attitude was" should be "that if this wish was".
11748	9665	19	Place semi-colon and insert "all this" after "reaction".
11749	"	25-26	Delete "Numbers 3, 4 and 5 of this letter."
11750	9665	5	Change line 5 to read: "draft", is missing which is in the copy that I just
11751	"	10-11	Change lines 10 & 11 to read: THE PRESIDENT: Our copy shows that. It says "Translator's Note: Handwritten draft."
11752	9669	19	Delete comma after "if at all". Place comma after "anything".
11753	"	35	Change comma to semi-colon after "vacation".
11754	9670	1	"fection," should be "vacation".
11755	"	7	Insert "and" after "to you,".
11756	"	17	Change last word "Major" to "General".
11757	"	19	"von der Hoye appointed you" should be "von der Hoye was appointed by you".
11758	"	23	Insert "but" after "isn't true,". Place period after "have been true". Begin new sentence with "If I had been".
11759	9671	20	"documents and" should be "documents about".
11760	"	23	Delete "that people are promoted."
11761	"	23	First word "gave" should be "would give".
11762	"	24	Insert "and" after "in my office,".
11763	"	25	Change line 25 to read "say, however, that I took over the office again before the".
11764	9672	11	"his secretary" should be "his secretariate".
11765	"	15	Change "friends of the economists" to "economic experts".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11765	9672	26	"had made" should be "would make".
11767	"	26	Change comma to semi-colon after "isn't true".
11768	9675	25	"Arier paragraph" should be "Aryan paragraph".
11769	9676	13-14	Relate "to be independent".
11770	"	19	"to take case" should be "to take care".
11771	"	21	Change period to comma after "a lot of money".
11772	9677	6	Change "this now or this" to "now to this".
11773	"	8	"by question," should be "by question,".
11774	9678	27	Change "was the Foreign Office." to read "the Foreign Office was already in existence."
11775	9680	4-5	Change "we looked after Carl Schurz Association" to read "He thought that the best way to attend to the relations with the Americans who were entrusted to us would be".
11776	9680	31	Change "American Consulate." to "consulates in America."
11777	9681	23	Insert "now becomes clear to me;" after "connection".
11778	9682diff	1diff	"Mr. Der Hass" should be "Mr. de Hass".
11779	9685	11	"Not August 1939" should be "August 1937".
11780	"	17-19	Change lines 17 and 18 through "I explained" in line 19 to read "—you know my memorandum on export — that the fluctuation to the lower level should be counteracted — Mr. Goering at that time considered export as superfluous — and I explained".
11781	9686	3	"had been" should be "have been".
11782	"	18	"which is a" should be "that it is a".
11783	9689	25-26	Insert after line 25 and before line 26 "A. I was present at the meeting. that is correct. Yes, I was..."
11784	9691	15	"speak here, in Nurnberg and" should be "speak, here in Nurnberg, and".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11785	9692	5	"my attention was," should be "my intention was,"
11786	"	5-7	"to an expert" should be "to real experts".
11787	"	26	Place semi-colon after "trouble". Delete next word "but".
11788	"	27	Insert "already" after "we had".
11789	9693	13	Change "Majlwecki" to read "Gajowski".
11790	9694	16	"as opposed to the Nazi" should be "in the Nazi".
11791	"	27	Last words "has many" should be "has so many".
11792	9695	1	"that propaganda plans carried out" should be "these propaganda plans that were to be carried out".
11793	"	17	Change first word "clock" to "clock".
11794	9696	5	"he has not recollection" should be "he has no recollection".
11795	9697	4	Insert "to include" after "to say".
11796	"	13	Delete "of" before last word "having".
11797	"	22	"Let the lady finish" should be "Let the Prosecutor finish".
11798	"	24	Delete "presumably discussed".
11799	9698	15	Third word "stop" should be "start".
11800	"	16	Insert "so that" after "Germany".
11801	"	19	"to go ahead," should be "could not ahead."
11802	"	22	Place comma after "active part".
11803	"	23	Change semi-colon to comma after "failure". The following words "on account of the inter-political" should be "and in consideration of the inner political".
11804	9699	26	"in order," should be "to order,".
11805	9699	16	Change "then he could still very much likely have said that," to read "it was rather likely".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11006	9700	17	Delete "and he confronted me with a statement".
11007	"	22	"I now started" should be "I had then started".
11008	"	23	"would corroborate" should be "would have corroborated".
11009	"	24	"I as not told" should be "I was not told".
11010	"	25	Add following line after line 25: THE PRESIDENT: The Tribunal will not rise for its recess.
11011	9701	11	Change "and nevertheless to be reticent" should be "in spite of the possibility of being reticent".
11012	9703	20	"NL-5652-A" should be "NL-5702-A".
11013	"	22	"NL-56701" should be "NL-57021".
11014	"	25	"6703" should be "NL-5702".
11015	9706	3	Delete "when" before "you signed".
11016	"	4	Insert "and that" after "evidence,". "signed, or exact" should be "signed are exact".
11017	9709	4	Insert "used" after "documents". "and those which" should be "and of documents which".
11018	"	23	"It may embarrass" should be "It may not embarrass".
11019	9711	25	"In 1923 to 1937" should be "From 1923 to 1927".
11020	"	30	Insert "an organization of the Ruhr area industrialists, and from 1932 to 1939 manager of" after "Association".
11021	9713	27	Change "Economic" to "Agricultural".
11022	9714	20-21	"nationalisation" should be "nationalistic".
11023	"	35	"were not always of the nature" should be "and who were not always of the caliber".
11024	9715	15	"Group Trade" should be "Group Industry".
11025	"	25	"how Dr. Ilgen's" should be "what Dr. Ilgen's".
11026	9716	15	"groups of the MPC" should be "groups of the MPT".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11827	9716	17	Delete comma at end of line.
11828	"	16	Delete "with oppositionists".
11829	9718	3	Change second word "their" to "an antinomy".
11830	"	6	Place period after "manager". Begin new sentence with "When I took".
11831	"	6	Change "abandoned" to "stopped".
11832	"	7	Insert "(Editor's note: should be "to study". See page 9719, lines 11-14)".
11833	9719	25	Insert "foundation" after "southeast".
11834	9720	11	"Germany." should be "German industry."
11835	"	24	"is financed" should be "was financed".
11836	9721	12	Delete "of information".
11837	"	27	Third word "what" should be "that". "or rather" should be "I might say,".
11838	9722	20	"unpopalit," should be "unpopular,".
11839	9723	6	Delete comma after last word "them".
11840	"	7	Change line 7 to read "the agronomist, Wenzel Petschanthal was hanged, Holoy von Koebingen and various others were".
11841	9724	3	First word "blunder" should be "plunder".
11842	9725	16	"do you call" should be "do you recall".
11843	"	19	Insert "that" before "anti-Jewish".
11844	"	21	Place comma after "matters".
11845	9725	17	"id he sees" should be "if he sees".
11846	"	22	"in his mind shows." should be "in mind."
11847	"	30	"the other officials" should be "another official".
11848	9727	7	"three firms" should be "free firms".
11849	"	26	"NWC." should be "NWT."
11850	"	30	"it had not." should be "it had none."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11851	9730	14	"that if any" should be "whether any".
11852	9731	7	Last word "then" should be "that".
11853	"	30	Insert "the" after "that only".
11854	9732	22	Insert "with a travel order" after "American Zone".
11855	9735	10-12	Change from "discussion" in line 10 through "Reindre," in line 12 to read "discussion between the gentlemen from the Paris bank and Monsieur Jacques Reindre about the practical application of the issuing."
11856	9735	4-5	Change "for the final subscription to be given and" to read "for the end of the subscription and".
11857	9735	5	Delete "equalized and".
11858	"	27	Change "that is to say," to "but".
11859	9740	21	"was channel;" should be "was channeled;"
11860	9741	19	"at first" should be "yet".
11861	"	21	"and taken out of France sometimes," should be "and partly out of France".
11862	"	22	Change "they were" to "the shareholders were".
11863	"	23	"many shareholders" should be "many of them".
11864	9742	3	"was later occupied;" should be "became occupied;"
11865	"	9	"certain French shareholders" should be "French and foreign shareholders".
11866	"	10	"as their clients, and also certain foreigners," should be "were their clients."
11867	"	12	"foreigners or other" should be "foreigners of other".
11868	"	23	"was circumstances," should be "var circumstances."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11869	9745	11	Delete "but" before last word "I".
11870	"	30	"Johann" should be "Johan".
11871	9746	10	Change "permission" to "promise".
11872	"	11	Change "Enterprise," to "Economy,".
11873	"	19	Insert "together with me" before "had been given".
11874	9747	29-32	Change lines 29, 30, 31 & 32 to read "this document, which was an important matter to Dr. Krauch, for information. The document consists of a letter of the Reich Minister of Economics to Farben, attention Mr. Schatzler, and of the correspondence of the Dresdner Bank, Ministry of Economics and so on. These are negotiations with which I".
11875	9748	4	Insert "of the Dresdner Bank" after "Mr. Zinsser."
11876	"	21	Place quotation marks after "minority."
11877	"	34	Place quotation marks after "at any rate."
11878	"	31	"we are meant" should be "we were meant".
11879	"	32	"had showed" should be "had shown".
11880	9749	19	Last word "First," should be "Am".
11881	9750	7	"2025." should be "2026."
11882	"	15	Delete "by counsel" as repetition.
11883	"	16	"mised" should be "mislead".
11884	"	20	"misunderstanding" should be "misunderstand".
11885	"	28	Change "It is an affidavit, the sentence" to "It is not an affidavit. The sentence".
11886	"	29	Change period to dash after "read".
11887	9751	10	"colleagues," should be "colleague,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11888	9751	17	"Then one" should be "Then even if one".
11889	"	23	Insert "Economy" after "Political."
11890	"	24	"since the 1st" should be since the 31st."
11891	"	25-26	Change "this would be the task in chief" to read "that was only a temporary mission for the time being —".
11892	"	28	Place period after "position". Change "of the Supreme Director." to read "This clarifies the matter."
11893	"	32	Delete last two words "the Carl".
11894	9752	1	Delete first word "Schutz,".
11895	"	6	Delete "For" and begin sentence with "The Cultural".
11896	"	7	"there existed" should be "had".
11897	"	9	Change "to take over" to read "to take care of".
11898	"	10	Delete "that" after "Games,".
11899	"	11	Delete "for themselves".
11900	"	23	Change "where I made" to "for making".
11901	"	27-28	Change "when in the American embassy there was a new member that" to read "that when a new member appeared in the American embassy".
11902	9753	1	Change "where was also" to read "at which".
11903	"	2	Change "present" to "sitting".
11904	9754	19	"June, 1936." should be "January, 1936."
11905	"	24	"were used" should be "were to be used".
11906	9755	24	Insert "that" after "that is". Delete semi-colon after "contrary".
11907	9759	15	Change entire line to read "DR. MTH: Your Honor, the reliability . . ."

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Item No	Manuscript Page	Line(s)	PROPOSED CORRECTION
11908	9760	8	"I now turning" should be "I now turn".
11909	9763	19	"short trust" should be "short thrust".
11910	"	31	Insert "also" after "I told".
11911	9764	6-7	Change "evalunte then the same way as" to read "devalunte as was done with".
11912	"	12	Insert "(Mitteleuropaeischer Wirtschaftstag)" after "Conference".
11913	9766	5	Change line 5 to read "also of the sale of the rubber production in the United States."
11914	"	11	"Brueckmann." should be "Brueggemann."
11915	9767	10	Insert "were" after "helping them".
11916	"	27-28	Delete "before the war".
11917	"	31-32	Change lines 31 and 32 to read as follows: A. Dr. Gaus — G-A-U-S. Q. Is he still alive? A. Well, I'm not sure. Maybe Vestrup is still living — I don't know that. And Professor Siegend I think is dead.
11918	9768	19-21	Change from "invoices" in line 19 through line 21 to read "invoices which were formerly made out in dollars were then made out in Swiss francs or French francs. So we stepped out of the dollar and we needed about — well, we accomplished that perhaps only in the last months, but the question".
11919	"	22	Last words "will devalunte" should be "will be devaluated".
11920	"	23	"had devaluated." should be "was devaluated."
11921	"	24	Change "an economic currency question," to read "a question of economic policy."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11922	9768	28	Second word "the" should be "our".
11923	9769	1	"--especially this," should be "and so on --".
11924	"	7	Insert "Judge Morris wishes" after "information".
11925	"	21	Change "I have in mind desiring" to read "I have had in mind asking for".
11926	"	28	"in mind at" should be "in mind on".
11927	9772	14	Change "an exploiter" to "a profiteer".
11928	"	28	"Many links." should be "(Many thanks.)"
11929	9773	30	"the potash syndicate," should be "the Potash Syndicate (Kali Syndikat)."
11930	"	27	"He is" should be "He was".
11931	9775	3	"German newspapers," should be "their newspapers,".
11932	"	9	"was made" should be "were made".
11933	"	17	Change "journey home" to "Home Journey".
11934	"	24	Delete "and if it successful,".
11935	"	31	"large industrialists" should be "big industrialists".
11936	"	32	Change "what's the name," to read "what their names were,".
11937	9779	14	Insert "International" before "Chambers".
11938	"	21	"are arranged" should be "were arranged".
11939	"	22	Change "are done better" to read "with experts".
11940	9780	10	Change line 10 to read "Cranz do Jonh, and then several".
11941	"	12	Add "altogether," after "persons".
11942	"	15	Place comma after "Ziel Week". Delete next word "and".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11943	9730	16	Line 16 should read "Some Journey and the Industrial Trip were carried out".
11944	"	25	Change "this affair?" to "these meetings?".
11945	"	31	"the foreigners" should be "the foreign participants".
11946	9781	17	Delete second word "not".
11947	9782	10	Insert "of" after first word "is".
11948	9784	8	Change "DR. DIX" to "DR. HENZEL".
11949	"	16	Change "FRIEDRICH ALBERT," to "ADOLF FRIEDRICH,".
11950	"	20	First word "Circle" should be "Association".
11951	"	24	Delete "It was very equanimous."
11952	9785	1-2	Change from "serve" in line 1 through line 2 to read "serve, the general welfare, the welfare of all countries, and also of world peace."
11953	"	8	"Circle" should be "Association".
11954	"	13	Change period to comma after "von Wilmonsky" and insert "the then President of the South East European Economic Council." before last word "I".
11955	"	16	Add "(Mittelouropaeischer Wirtschaftstag)" after "Congress".
11956	9786	5	Insert "as well as 1939" after "1937".
11957	"	9	Insert "hint" after "request".
11958	"	17	Change line 17 to read "already that those personalities who were introduced to Dr. Ilgen and to me remembered with pleasure".
11959	9787	3	First word "That" should be "The".
11960	"	14	Insert "Geheimrat Schmitz," before first word "Herr".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11961	9789	7	Change "and" to "after" after "Committee,".
11962	"	19	Change "organization," to "department,".
11963	"	34	Insert "Third:" at beginning of line before "the Legal".
11964	9790	10	"in hand" should be "on hand".
11965	"	13	Change comma to period after "Government". Begin new sentence with "About these".
11966	"	14	Delete "on their own responsibility".
11967	"	18	Insert "Administration," after: "Finance".
11968	"	26	Change "Q" to "A".
11969	9791	1	"the credit" should be "credits".
11970	9792	4-5	Delete "Q" before "The manner". This is a continuation of answer beginning in line 4.
11971	"	29	Change "industrialization from MT 7," to broad "organization of MW 9,".
11972	9793	8	Place comma after last word "merger".
11973	9793	9	Change "of the original firms Farben had" to read "Farben, through its original firms, had".
11974	"	18	Insert "of" after "increase".
11975	"	19	Insert "which produced such a decrease on world trade and" after "world trade". Also insert "more" before "intensified".
11976	9794	29	Change first word "through" to "I was reminded". Change comma to dash and insert "that" after "Dietrich".
11977	9795	1	Insert "and South America" after "Far East".
11978	"	16-18	Change from "position" in line 16 through line 18 to read "position private economy was in, because private economy really was hated by the Nazis Party because of its political attitude."
11979	9798	19	"in Frankfurt, who" should be "of the Frankfurt Office, who".

9697(-101-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11980	9798	26	Change line 26 to read "Party wanted to transfer the dyestuffs representation of Farben of the".
11981	9799	2	Change "Mr. Komann," to "Mr. von Teermann,".
11982	"	18	—"subsidy" should be "contract".
11983	"	19	"together with Boros" should be "in competition with Boros".
11984	9800	1	Insert "I have just heard" before "the beginning". Delete "just now" after "statement".
11985	"	28	Last three words should be "We considered it".
11986	"	30	Change "this Fascio House was not extra-territorial," to read "neither the Consulate General nor the Fascio House were extra-territorial,".
11987	9801	24	Delete "not" after "that this is".
11988	9802	3	Delete "in many respects".
11989	"	18	"we wanted" should be "he wanted".
11990	"	21	Insert "I," after "suggestion,".
11991	"	22	Delete "I" before "traveled".
11992	9803	3	"to spare him this" should be "and spared him the".
11993	9803	14	Insert "Administration" after "Finance".
11994	9804	8	"Dr. Jacob's" should be "Dr. Jacobi's".
11995	9805	8	"a risk turn" should be "a risky turn,"
11996	"	9	Place comma after "policy". Delete next word "that".
11997	"	12	"this credit large" should be "this large credit".
11998	9806	4	Delete "concerning".

X697(-102-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12999	9806	6	Change period to comma and add "is" after last word "was". Continue sentence with "the so-called" in line 7.
12000	"	9-11	"Kiel Gall" should be "Kiel Week".
12001	"	9-10	Delete "and how".
12002	"	23	Change line 22 to read "previously. But — and this was not foreseen by us — because of the very"
12003	"	23	Insert "also" before "developed".
12004	"	27	Change "between" to "with".
12005	9807	2	Change "world business" to "world economy".
12006	"	13	Insert "of" before "ornamentation".
12007	"	15	Insert "and to the then competent Party authorities" after "ministries".
12008	"	16	Change comma to period after "pictsch". Delete "to the competent Party authorities."
12009	"	25	Insert "at least" before "something".
12010	"	26	Delete "if we had then".
12011	9808	3	Change "feared — that is, an" to read "feared was that his".
12012	"	4	Delete "which" after "relentlessness".
12013	9809	12	Delete comma after "1939". "the Chomico, the Vico-" should be "the American I.G. Chemical Corporation. The Vico-".
12014	9810	27	Last word "of" should be "to".
12015	9813	4	Delete one "with".
12016	"	18	Insert "after" after "abroad".
12017	"	29	"it was know" should be "it was known".
12018	9814	20	Delete "and" after "Vienna".

7697 (-103-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12019	9815	32	"1931," should be "1933,".
12020	9816	2	Change line 2 to read "later founded in Oslo. Mr. Eriksen and I were directors on the board of".
12021	9817	31	"affect" should be "effect".
12022	9818	15	Insert "where I was waiting" after "road".
12023	"	19	"to affect a" should be "to effect A".
12024	9819	10	"into public eye, Kiel Week." should be "into the public eye, due to the Kiel Week,".
12025	9821	12	First word "It" should be "Is".
12026	9822	1	Transfer entire line 1 to follow line 3, before line 4.
12027	9823	10	Insert "same" after second word "than".
12028	"	11	Place comma after "testimony".
12029	"	12	Change "a" to "the said" after "interrogate".
12030	"	16	"If you case" should be "If you cast".
12031	"	20	First word "letter" should be "last". Delete "then" after "witness are".
12032	"	31	Change "between" to "with".
12033	9828	16	"who know" should be "who knows".
12034	"	20	Place parenthesis after "Leader".
12035	"	37	Delete period at end of line after "14".
12036	"	28	Delete first word "It".
12037	9829	12	Change period to comma at end of line after "subject".
12038	"	19	Last word "It" should be "He".
12039	9830	11	"His Majestic," should be "His Majesty,".
12040	9832	3	"Will be" should be "It will be".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12041	9832	20	"and affidavit" should be "an affidavit".
12042	9833	15	Change comma to period after "proper form". Continue sentence with "the Tribunal".
12043	9834	22	Insert "of" after "charge,".
12044	"	23	Second word "They" should be "It".
12045	9835	6	"draws attention" should be "drew attention".
12046	9836	16	Third word "het" should be "take".
12047	" & ff.	16 & ff.	"VOH" should be "VOH".
12048	"	25	"je points" should be "he points". Also "publication" should be "publications".
12049	9837	23	Insert "made by the OKW" after "VOH".
12050	9838	3	Insert "already" before "an exhibit."
12051	"	15	"economic political department, Berlin NW-7," should be "Economic Political Department of Berlin NW-7,".
12052	"	17	Insert "the meeting of" before "the Working Committee".
12053	"	19	"subordinate" should be "subordinated".
12054	"	23	"Document 75" should be "document 47".
12055	"	30	Change "establishing" to "reporting on the establishment of".
12056	9839	1-14	Change from "in view" in line 13 through 14 to read "Dr. Ilgen was an Aufsichtsrat member of Transocean, but in view of the small participation of Farben in Transocean he".
12057	9839	21-22	Change "political economy department" to read "Economic Research Department and the archives of the Central Finance Administration."
12058	"	28	Change period to comma after first word "(departments)".
12059	"	29	Insert "available" after "papers now".

7677(-105-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12060	9841	"	Change "the tasks" to "the organization".
12061	"	14	Insert "first" before "meeting".
12062	"	15	"liaison man" should be "liaison men".
12063	9842	4	Change "activities" to "organization".
12064	"	7	Place period after second word "names". Begin new sentence with "In connection". Delete period after "liaison men", continuing sentence with "the affiant states".
12065	"	17-18	"foreign organizations" should be "the foreign organization".
12066	9844	5	"Inge Kvenilo" should be "Inge Kvenild".
12067	"	24-25	Change "foreign exchange situation," to "Chinese market development,".
12068	"	30	Insert following sentence after "China," in line 30: "Therefore reports which were made from time to time in order to inform Parbon dealt also necessarily with these questions."
12069	9845	1	"forecast" should be "forecast".
12070	"	3	Insert "investments all over the country" before "accounting".
12071	"	10	"Mr. Bjrk" should be "Mr. Bjrk."
12072	9846	5	Second word "war" should be "ran".
12073	"	21	Line 21 should be "creation of the so-called Mob-Referat of the WIPO and the institution".
12074	9848	5	First word "from" should be "for".
12075	9849	21	"to quote a sentence" should be "to quote briefly".
12076	"	22-24	Change lines 22 and 23 through "I should" in line 24 to read: I quote: "I have never been charged with any espionage activity or work for the OKE, Abwehr, Foreign Office, NSDAP or any other agency, nor did I

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12077	9842 (cont'd)	22-24	execute any such order. It would have been diametrically opposed to my peace efforts." I should
12078	9850	3	"asked him where" should be "asked him as to".
12079	"	4	Place period after "Fleckenbrock". Delete next word "lies."
12080	"	12	"withdraw" should be "withdrew".
12081	"	15	Insert "on" after "matter".
12082	"	16	Change line 16 to read "Ilger's defense is, as is apparent by these exhibits, his and KA-Y's".
12083	"	30	Change comma to semi-colon after "that point". Change semi-colon to period after "then". Begin new sentence with "Since".
12084	9851	1-7	Change lines 1, 2, 3, 4, 5, 6, & 7 to read "since the defendant's case is not closed and since now there is further documentary evidence on that subject matter, we respectfully call this to your Honors' attention and suggest that, in the light of this and the witness' testimony -- we are not overlooking the witness' testimony on the subject matter, we think -- your Honors reconsider that ruling and hold that those questions on that subject matter are relevant to the testimony of the witness Frank-Fahle and that the questions are".
12085	9852	3	Insert "proper" after first word "be". "of whether" should be "or whether".
12086	"	9	Place period after last word "possibility".
12087	9853	23	Change period to comma and insert "the" after the "O".
12088	"	31	Last word "individuals" should be "individual".
12089	9854	2	Change "were motivated by business only." to read "was motivated by business interests of Farben only."

Item No	Manuscript Page	Line(s)	PROPOSED CORRECTION
12090	9855	6	Change period to comma after "evaluated".
12091	"	13	"1938, 1938, 1939" Should be "1938 and 1939."
12092	9856	6	Second word "was" should be "could be".
12093	9857	19-22	Change from "The assertion" in line 19-20 through line 22 to read "The remarks of the Prosecution, who only have submitted other excerpts from this report, are not complete in so far as the Prosecution even in a document introduced later only submitted parts of excerpts from the report dealing with the beginning of the Kiel Seck."
12094	"	24-25	"economy leaders Circle 'F'" should be "Circle of Economic Leaders".
12095	"	28	"Circle 'F', economy leaders" should be "Circle of Economy Leaders".
12096	"	30	Insert "openly" before "exercised".
12097	9859	6-7	Place period after "service" and delete following words "for many years."
12098	"	13-15	Change from "Dr. Ilgner" in line 13 through first word in line 15 to read: "Dr. Ilgner as one of the strongest opponents of chauvinism was rightly considered as one of the most convinced German representatives of the idea to come to an understanding with the world."
12099	9861	30	Delete "there" after "the book".
12100	9862	22	Insert "meeting of the" before "Working".
12101	9863	5	Insert "Further and especially by" before "the Export Promotion Department".
12102	9864	17-18	"Economics Department" should be "Political Economy Department".
12103	"	26-27	Change from "Dr. Ilgner" in line 26 through line 27 to read "Dr. Ilgner pleads for a cooperation in the industrialization of the countries which are not, or only slightly, industrialized in order to increase".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12104	9864	28	"Exhibit 1112." should be "Exhibit 112."
12105	9865	10-11	"The index listed here of the first volume" should be "The index of the first volume listed here".
12106	9868	28	"Central Department" should be "Central Office".
12107	"	-	"all the suggestions" should be "both suggestions". "Central Committee" should be "Central Office".
12108	"	30	Delete "so much" after "Farben".
12109	"	31	"this suggestion" should be "those suggestions". Insert "it" before "was possible".
12110	9869	8	"principles have," should be "principles had,".
12111	9870	6	Insert "clearing" before "debts".
12112	9871	6	Insert "(Mitteleuropaischer Wirtschaft- stag)" after "the MET".
12113	"	9	Change period to colon after "as follows".
12114	"	10	Change period to comma after "do ut des". Continue sentence with "above all".
12115	9872	2	Change last word "Farben" to "MET".
12116	"	30	Change first word "that" to "which".
12117	9873	7	Change "attitude" to "employment".
12118	9875	1	First word "(con)firmed" should be "(con) firms".
12119	"	12	Delete "in the Vorstand".
12120	9876	2	Last words "taken into" should be "placed in".
12121	"	26	"Skoda-Fetalar shares," should be "Skoda- Fetalar action,".
12122	9876	28	"Thus he was" should be "He was".

4497(-109-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12123	9876	31	"on the other hand, complaints" should be "but on the other hand, I heard complaints".
12124	9877	4	Insert "for" before "the Reichswerke,".
12125	"	5	"This was" should be "They were".
12126		22	Change line 22 to read "about by the merger of the Skoda-Wetzlar Works and the Carbirds Works".
12127	9878	9	"Dr. Kuehner" should be "Dr. Kuehne of".
12128	"	13	Change "Committed for groups" to read "competition group".
12129	"	16	Delete "as" after "offer".
12130	"	18	"Linicon men" should be "Linicon man".
12131	"	22	"of the Austrian" should be "to the Austrian".
12132	9879	1	"Exhibit 142." should be "Ilgenor document 142."
12133	"	10	"plan," should be "scope.".
12134	9880	7	"Anihilin-" should be "Anilin".
12135	"	24	Delete comma after "Englacher". Also delete next words "and members".
12136	9881	6	"is offered" should be "has been offered".
12137	"	31	Place quotation marks before "Since 1931".
12138	9882	19	Insert "of Berlin" after "department".
12139	"	25	Insert "administration and" after "Soviet".
12140	9884	9	"No. 151." should be "No. 161."
12141	"	10	"number 161." should be "number 162."
12142	"	17-14	Change from "Dr. Ilgenor," in line 13 through "was probably" in line 14 to read "Dr. Ilgenor, to make proposals for the re-organization of Russian enterprises under German leadership, was probably".
12143	9884	22	"No. 163." should be "No. 163."

1007(-110-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12144	9884	24-25	Change from "Dr. Willibaldo" in line 24 through "the Chemia Ost" in line 25 to read "Dr. Willibald Passarow of the Chemia Ost".
12145	9887	16	Insert "evacuation" after "in his".
12146	9889	13	"39 should" should be "37 should".
12147	9890	8	"In Hains," should be "In Heuss".
12148	"	10	Change line 10 to read "A. I am in the sixty-ninth year."
12149	"	15	"series" should be "service".
12150	"	18	"by professional" should be "my professional".
12151	"	33	"Soda-works," should be "Solvay-Werke".
12152	"	34	Insert "works" after first word "there".
12153	"	36	Change line 36 to read "there I went to the Chemical Rubber and Celluloid Factory (Chemische Gummi- und Zelluloid-Fabrik) at Mannheim."
12154	9891	3	Second word "Head" should be "member".
12155	"	21	"10,000 billion" should be "10 billion".
12156	"	23	"82,000" should be "82".
12157	"	26	"high pressure" should be "highest pressure".
12158	9892	1	"nation." should be "republic."
12159	"	3	Insert "moderate" before "progress".
12160	9893	20	Delete "and a half" after first word "one". Insert "farther" after "You must".
12161	"	22	Change line 22 to read "in Farben's engineering-technics, I had many important tasks also in other technical".
12162	9894	11	Place comma after "Bitterfeld". Change next words "and Aken" to read "for magnesium in Aken."

8697 (-111-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12163	9894	12	"to a large extent" should be "to an increasing extent".
12164	"	14	Change "achieved only" to "obtained".
12165	7398	1	"the order of national work" should be "the regulation of national labor".
12166	9899	13-14	Change from "Wari," in line 13 through 14 to read "Wari, and being an expert would prevent foolish measures of the Party."
12167	9900	4-5	Change from line 4 through "But that" in line 5 to read "away from me which at that time every leading man in industry got. But th t".
12168	"	5,16	"32" should be "72".
12169	"	24-25	"Economic Chamber of Heas." should be "Economic Chamber of Heaso."
12170	9901	1	Insert "greater" before "advisory".
12171	"	7	Insert "greater advisory council of the" before "Reich Group".
12172	"	17	"it was" should be "it is saying".
12173	"	16	"a meeting of Reich Group" should be "meetings of the Reich Group".
12174	9902	30-32	Change from "connected" in line 30 through "On page 3," in line 32 to read "connected with the office of the head of the Industrial Department and that is why the head of that office was asked to become a member of the advisory council of the Reich Group Industry. On page 3,".
12175	9903	10	Delete "was" before "offered".
12176	9904	1	"count with" should be "count on".
12177	9905	1	Insert "who was the foreman of the apprentices' workshop" after "Mr. Brisbois".
12178	"	10	"boys" should be "boys".
12179	"	27	Delete "Jackno No." after "Exhibit No."

4457/-112-1

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12184	9907	3	"handing". should be "hanging."
12181	9908	5	"NI-75869" should be "NI-5869".
12182	"	7	"15884" should be "5884".
12183	"	14	Change period to comma after last word "agencies".
12184	"	18	"was the representative" should be "as representative".
12185	"	19	Delete "I" before "was on the front".
12186	"	28-29	Delete as repetition "The training agencies. The technical committee was of my opinion in the whole question."
12187	9910	17	"First," should be "Veit",.
12188	"	1	Change line 18 to read "and these removal had always been demanded by the German Labor Front."
12189	9911	1	Delete first word "that".
12190	"	3	Second word "it" should be "if".
12191	"	15	Change "settlement" to "acetylene".
12192	"	16	"1939" should be "1940".
12193	9912	2	Second word "eighty" should be "180".
12194	"	18	Change "incriminating" to "exonerating".
12195	"	29	"Technical Committee:" should be "TEKO".
12196	"	32	"million." should be "billion."
12197	9913	2	"million" should be "billion". "Exhibit 172," should be "Exhibit 182,"
12198	"	3	Delete quotation marks before "Application".
12200	"	5	Delete quotation marks after "marks."
12201	"	19	"Request" should be "Requests".
12202	"	27	First word "witness" should be "witnesses".

No	Page	Line(s)	PROPOSED CORRECTION
12203	9914	10	Change "for instance with chemical plants such as happened at times," to read "which always may happen in chemical plants."
12204	"	13-14	Change from "was done," in line 13 through "wanted it," in line 14 to read "was done, the air raid protection would have had to be handed over to the Reich Group Industry or to the Air Ministry as this Ministry had always wanted."
12205	"	19	Change "so-called suburb" to read "so-called administrative center".
12206	"	26	"Technical Committee" should be "TEKO".
12207	9915	10	Delete "have" before "established".
12208	"	16	"I was glad" should be "I am glad".
12209	"	17	"what we tried" should be "which we tried".
12210	"	23	"would defend against" should be "would be defended against".
12211	9916	7	Change period to comma after "action" and complete sentence with "a K and L plant."
12212	"	11,14	"plants" should be "plans".
12213	9917	34	Last words "were later" should be "was later".
12214	9919	3	Change "the Technological Committee Session in 1937" to read "the Technical Management Session of 3 May, 1937".
12215	"	13	Line 13 should read "shows that this increase of shipment was a matter of fertilizer."
12216	"	15-16	Insert "if" before "it took". Place comma after "to ship them". Delete following words "and there were".
12217	"	18	Insert "would be" after "aluminum cans".
12218	9920	18	"small quantities" should be "small quantities".

9697/-114-

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12219	9920	27-28	After line 27 and before line 28 insert "was not an explosive because according to the railroad traffic regulations it".
12220	9922	3-4	Change "produced machinery for the Autogen meta; work that is" to read "produced tools and machinery for Autogen working of metals, that is".
12221	"	11-13	Change from "iron" in line 11 through "caused" in line 13 to read "iron. This connection with the metal industry, because it needed the apparatus of Griesheim, caused".
12223	9923	12,14,17	"container" should be "boiler".
12223	"	21	"300 marks," should be "3000 marks,".
12224	"	22	Last word "questioned" should be "consulted".
12225	9924	29	Insert "men;" after "business".
12225	"	32	"but" should be "by" after "chemicals,".
12227	9926	19	Insert "about" after "have heard".
12228	9927	13	"an AK Meeting" should be "a KA Meeting".
12229	"	17,27	"Technical Committee," should be "TEKO,".
12230	9928	7	Change line 7 to read "of the former and present business manager of the Main Engineering Office at Hoechst, Mr. Eckardt,".
12231	"	11,17,28	"Technical Committee" should be "TKJ".
12232	"	21	"pretended" should be "prevented".
12233	"	30	"Friesa" should be "Riese".
12234	9929	2	"there are" should be "there were".
12235	"	3	"does not go" should be "did not go".
12236	"	4	"flee." should be "fled."
12237	"	14	"of drafting" should be "or drafting".

1497 (-115-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12238	9931	1	"Barrhold." should be "Warahold."
12239	"	8,13,22	"Technical Commitee" should be "PEXO".
12240	"332	7	Second word "to" should be "at".
12241	"	23	Change last words "to accept that many" to "for".
12242	9933	7	"one more" should be "once more".
12243	"	18	First word "belief," should be "suggestion."
12244	9935	5	"There is mislending" should be "This is mislending".
12245	"	8	"three is" should be "there is".
12246	9937	16	"of Belgium assembly" should be "of Belgian and French assembly".
12247	"	32	Delete "the prisoners of" at end of line.
12248	9938	1	Delete first word "war;".
12249	"	9	"Mr. De Vrice," should be "Mr. De Vries,".
12250	"	1	Change "purchasel..." to "kitchen".
12251	9939	23	Change "the sun is every case." to read "any amount."
12252	"	29	"approach," should be "reproach."
12253	9942	2	Change semi-colon to comma after "furnished room". Also place quotation marks and dash after same word.
12254	"	3	Change period to dash after "39". Place quotation marks before "even", "and gets less" should be "and thus get less".
12255	"	4	Place quotation marks after "food."
12256	"	30-31	Place semi-colon after "professions". Change rest of sentence to read "that was to our best advantage."

8647 (-116-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12257	9943	17	Insert "(Editor's Note: correct year is 1943.)" after "1938."
12258	"	21	Insert "that" before "female foreign".
12259	9945	30	"reduced to" should be "reduced by".
12260	9946	23	"the work has" should be "the plant has".
12261	"	530	"#95." should be "#45."
12262	9953	4	"Number 9." should be "Number 51."
12263	9953	25	"Man of them" should be "Many of them".
12264	9954	27	Place quotation marks after "Ziesbodem".
12265	"	31	Third word "rosent" should be "present".
12266	9955	13	"Antwerpen." should be "Antwerp." Last word "found" should be "have".
12267	"	27	Second word "went" should be "came".
12268	9955	11	Place comma after "1945". Delete next words "he worked".
12269	"	12-13	Change from "days" in line 12 through "hours." in line 13 to read "days; he worked in 466 working days 3933 hours."
12270	"	13	"50 minutes" should be "30 minutes".
12271	"	30	"he was been" should be "he had been".
12272	9957	24	Place quotation marks before "On 2 February".
12273	9958	25-26	After line 25 and before line 26 insert "59.8 kilograms. He was weighed again during the consultation hour on 17 March 1944".
12274	"	26	Change "gave him no" to "showed no".
12275	9960	25	Delete "about it" after "I heard".
12276	"	26	Delete comma and "I heard" after "1940".
12277	9961	29	Change "September" to "November".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12278	9962	26	"There a number" should be "There were a number".
12279	9963	3	"nowhere" should be "no where". "not anything" should be "nor anything".
12280	"	15	"interrogating" should be "interrogated".
12281	"	18	Delete "A" at beginning of line.
12282	9964	5	"that talked about gassings of those people." should be "that people talked about gassings there."
12283	"	8	"such a large" should be "such a large".
12284	"	12	Change "found" to "wanted to find".
12285	9965	2	Insert "and" before "after serious".
12286	"	10	"of a Third World War" should be "if a Third World War should"
12287	9966	24	Delete "in the technical field".
12288	9967	10	Change "that person was" to "one was".
12289	9968	5	"the way he was." should be "the way he was."
12290	"	10	"his personally." should be "his personally."
12291	"	16	Insert "OK, just as" before "I didn't inform".
12292	9969	18	Change "the Americans" to "the British".
12293	"	19-20	Delete "he had been Hoochat". Add "and willingness as at Hoochat." after "openness".
12294	"	24	"the he had" should be "that he had".
12295	9970	2	Change "he had spent" to "he had wasted".
12296	9972	29-30	Delete entirely lines 29 & 30 (Repeated on page 9973).
12297	9973	8	Change "we have introduced these matters," to read "we introduce these interrogations".
12298	9975	1	Delete "latter" before "tabulation".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12299	9975	8	"Brusa" should be "Braus".
12300	9977	9	Place quotation marks after "himself."
12301	"	14	Insert "that it is" after "that is".
12302	"	30	"I remember" should be "I remembered".
12303	9978	9	"Technical Committee," should be "TEND."
12304	9979	8	Last word "now" should be "then".
12305	"	10	"Now they had" should be "Then they had".
12306	9980	5	"At the top" should be "as to the top".
12307	"	15	"But I can say" should be "But I cannot say".
12308	"	25-28	Change from "Here" in line 25 through line 28 to read "But here and there there is an SS-Control. So that they won't go in there where the inmates go when they want to smoke without being disturbed, we put that burning sign about high tension." Place quotation marks after "tension."
12309	9981	13	Last words "it did not." should be "there was not."
12310	"	14-15	"that when cement was being unloaded" should be "as to the unloading of cement".
12311	"	15	"one had a complete" should be "there was a complete".
12312	"	19-21	Change from "The train" in line 19 through line 21 to read: The trains which arrived piled up on each other but the cement did not arrive regularly. It may be that sometimes one said, "Well, the cement car No. 80 and so is missing. Let us see whether
12313	"	25	Change "to go to" to read "around".
12314	9982	16	"J, 051X." should be "2051." 447 (-119-)

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12315	9984	13	"but it said" should be "but we were told".
12316	"	15	"is order" should be "in order".
12317	9985	14	Delete first word "of".
12318	"	19	"approve" should be "approved".
12319	9987	18	"by then" should be "by then".
12320	9988	1	"our own" should be "your own".
12321	"	15	Delete "Document" before "Exhibit 55,".
12322	9989	1	"voluntarily" should be "voluntary".
12323	"	5	Insert "German" after "or other".
12324	9991	18	Place question mark after "The fact".
12325	"	28	Change "Knew" to "learned".
12326	"	32	"referent" should be "reference".
12327	9994	28	"concerned" should be "concerning".
12328	9996	5	"to many and not being" should be "too many and then not being".
12329	"	14	"by a large number?" should be "by many?"
12330	9998	1	Change "to blame on" to "the fault of".
12331	9999	7	Delete semi-colon after "his father".
12332	"	32	Last words "in the" should be "with the".
12333	10004	4	First word "and" should be "and".
12334	"	12	"as entitled" should be "is entitled".
12335	10005	11	Insert "said, the Prosecution affidavit was obtained in October 1947. Dr. Seidl", after "from what Dr. Seidl".
12336	10007	24	Insert "took" before "place".
12337	10008	7	Delete last two words "its own".
12338	10010	3	"SI-14275," should be "SI-14278,".

9497/-123-

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12339	10010	18	"it; just" should be "even".
12340	10012	9	Change "I didn't develop an initiative however. It is" to read "I didn't take the initiative however, but it is".
12341	"	30	"NI-14277" should be "NI-14738".
12342	10013	11	Change "power," to "coal,".
12343	"	16	Change "contracts." to "treaties".
12344	"	29-30	Change "action — for instance, if" to read "action, by that already,".
12345	10014	11	First word "sus" should be "use".
12346	10017	23	"because they had" should be "because they were".
12347	10018	26	Place Quotation marks after "something,".
12348	10019	6-7	Delete as repetition "You said that circular letters and reports about these negotiations,".
12349	10020	9	"they were handled" should be "what was handled".
12350	"	10	"what do" should be "what do" should be "what to do".
12351	"	15	"must be" should be "had to be".
12352	10023	19	Last words "to confirm" should be "to confine".
12353	10024	2	Last word "These" should be "Ours".
12354	"	6	"lensed-out" should be "loosed-out".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12355	10030	1	"and 638," should be "and 11638,".
12356	"	2	"2954" should be "2054".
12357	"	13	Insert "Dr. Hirschel," after "You,".
12358	"	20	Last word "Both" should be "Two".
12359	10036	7	Change "exterminator." to "disinfecting technicians."
12360	"	5, 10	"exterminating" should be "dis- infecting".
12361	10039	13	"who would meet" should be "who would fit".
12362	"	21	Last word "two" should be "two".
12363	"	24	Place comma after "embodiment" and delete next words "did that." Place comma after "Dr. Guenther".
12364	10041	5	"given a fine" should be "given a fine".
12365	10043	24	Place period after "impossible". Insert "Furthermore, it was their duty to prevent unscrupulous people" before "from coming".
12366	10044	1	"was not" should be "was only".
12367	10045	5	"which you have testified that were" should be "when you have testified that they were".
12368	10047	12	Delete "and these people,".
12369	"	15	Change "storage room for clothing," to read "craftsmen's rooms for their clothing,".
12370	10043	25	Insert "will" after "mysteria".
12371	"	27	Second word "but" should be "our".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12372	10048	20	"has" should be "how" after "question".
12373	10049	19	Place period after "Germany". Be- gin new sentence with "then all".
12374	"	20	Change period to comma after "fleets". Continue sentence with "when the".
12375	"	21	Change period to dash after "question".
12376	"	23	Change period to dash after "subject". Continue sentence "the government".
12377	"	25	Insert "A." before first words "I must".
12378	10050	13	Insert "in Berlin" after "lecture".
12379	"	14	"we want to" should be "we should".
12380	"	15	Last words are "R. Jochgo".
12381	10051	1	Delete "they" before "would have".
12382	"	12	"he was going" should be "he is going".
12383	10052	16	"who was to sit" should be "that whoever sat".
12384	"	24	Change "was supplied" to "reservoirs were set up".
12385	10053	23	Insert "and" after "approaching".
12386	10054	2	"and resort" should be "or resort".
12387	"	5	Delete "he."
12388	"	7	Insert "the" after second word "given".
12389	"	8	Delete "came to me".
12390	"	9	Insert "came to me," before first words "I rejected".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12391	10054	14	Change period to comma and insert "we agreed." after "representative".
12392	"	15	Add "This was handled in this way in almost all cases." as a final sentence to paragraph.
12393	10056	5	Delete "at" after "his house".
12394	"	12-13	Change "I went immediately to the Guardroom because it was" to read "I was in the office of the air raid warden. There had been".
12395	10057	11	Third word "happened" should be "happens".
12396	10058	15	"an files" should be "the files".
12397	10064	7, C, 8	"manager" should be "leader".
12398	"	16	Place period after "my charge".
12399	"	16	"not of everything" should be "note of everything".
12400	10068	7	"that they had" should be "that it had".
12401	10069	27	Add "Nevertheless, the collars remain fit for use." after "supports."
12402	10070	3	"in 1933." should be "before 1933."
12403	10072	23	Insert "department" after "to the camp".
12404	10073	3-4	Change "were paid by any other office." to read "did not belong to it."
12405	10074	7	Place period after "relevant". Begin new sentence with "For a number".
12406	"	8	Change period to comma after "reasons". Continue sentence with "in any case". Delete "however," after "case".
12407	10076	31	Insert "of" after "told him".
12408	10077	17	Change "a genuine American" to "an American".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12409	10077	24	Change comma to dash after "for you now". Insert "setting" after "to waive it without".
12410	"	25	Delete second word "and" and change comma to semi-colon after "care to".
12411	"	25	Change comma to dash after "clearly".
12412	10078	4	"2 and 4" should be "1 to 4".
12413	10079	5	"nine" should be "nine".
12414	"	24	"Sergato." should be "Sergato."
12415	10081	12	Change "a dye stuffs factory of the" to read "then Paracraftsman vernal".
12416	"	13	Insert "sulphur pyrites," after "for instance,".
12417	10085	10	Second word "They" should be "The".
12418	"	11	Insert "where" after "smokes,".
12419	"	23	Insert "chemistry. Here are produced the so-called heavy chemicals such as sulphuric" after "inorganic".
12420	"	24	Change sodium hydroxide," to "caustic soda solution,".
12421	10086	2	Change "synthetic products," to "plastics,".
12422	10087	13	Insert "away." after "kilometers".
12423	10088	6	Delete comma after "dangerous". Change words "when we noticed that," to read "than we had previously expected,".
12424	"	15	"many-sided" should be "versatile".
12425	"	17	Change "synthetic plants," to "plastic plants,".
12426	10089	2	Delete third word "only".
12427	"	4	Change period to comma after "work". Delete next word "also".
12428	"	5	Place period after "organizationally".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
12429	10088	20	Insert "supervising" after "3,000".
12430	"	27	First word "The" should be "To".
12431	"	30	"Document II, Exhibit II," should be "Document 11, Exhibit 11,".
12432	10093	7-C	Delete "of work".
12433	10095	12	"TDZ" should be "TDC".
12434	"	14	"Every three months" should be "Every six months".
12435	10096	14	"plants and sales combine" should be "plants and sales combines".
12436	10097	4	"took any influence" should be "had any influence".
12437	"	12	Insert "a" after "leader of".
12438	"	25	"book 15" should be "book 11".
12439	"	20	Change "that" to "as" after "correct".
12440	10098	2	Insert "(Editor's note: See page 10099, line 3)." after "1944".
12441	"	3	"November 1944" should be "December 1944".
12442	10099	17	Delete "stated" after "Dr. Struss".
12443	"	20	Place comma after "Inc.". Continue sentence with "in New York".
12444	"	31	"and Italian" should be "an Italian".
12445	10100	8	Change comma to semi-colon after "Duesseldorf".
12446	"	9	Change comma to semi-colon after "Duesseldorf". Place semi-colon after "Gladbach".
12447	"	15	"53 percent" should be "93 percent".
12448	"	21	Insert "plant" after "Leverkus".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12449	10100	21	"Fluorspat and Schwerspat." should be "fluospar and heavy spar."
12450	10101	3	Place period after "1933". Begin new sentence with "As it is".
12451	"	5	Change period to comma after "paragraph 7". Continue sentence with "this Committee".
12452	10103	12	Delete "with" after "insulted".
12453	"	13	Change comma to period after "Mr. Farburg".
12454	"	22	"Aschen" should be "Nachen".
12455	10104	1	First word "political." should be "politically."
12456	"	1	Change third word "than," to read "more than".
12457	"	22	First word "radial" should be "radical".
12458	10105	3	"The material" should be "In the material".
12459	"	13	"lower classes against the middle" should be "middle classes against the lower".
12460	"	15	"was fighting" should be "were fighting".
12461	"	22	"Dr. Carl von Weinberg came, he" should be "we visited Dr. Carl von Weinberg, who".
12462	"	24	Change comma to period after "Farben".
12463	10106	2	"employeds." should be "employers."
12464	"	29	"back to 1934, because I paid" should be "ahead to 1934, because I had paid".
12465	10107	5	Insert "both" after "and that".
12466	10108	-15.	Change "it was difficult for me to get" to read "only reluctantly I procured".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12457	10108	25	"many Party" should be "any Party".
12458	10109	10	"for the order" should be "for the regulation".
12459	"	26	Insert "a suitable representative of" after "very soon".
12470	"	37	Change "represented suitably" to "present".
12471	10111	7	Insert "first" after second word "refer". Also change comma to dash after last word "Party", and continue sentence with "these are" in line 8.
12472	"	8-9	Change "at the same time, these documents constitute" to read "Also there are documents constituting".
12473	"	11	"these documents refer" should be "there are documents referring".
12474	10112	20	Insert "himself (the witness Joeres)" after "and that he".
12475	10113	22	"to be planned" should be "to be placed".
12476	10114	31	Insert "and supported" after "employed".
12477	10116	4	"when he first came" should be "when Dr. Fuchne first came".
12478	"	23-25	"Thomas and Torbeven," should be "Taanos and Terveoren,".
12479	10117	10-12	"subject matter concerning Count I" should be "to the subject matter of paragraph 1".
12480	"	12	Change "Klasch" to "Basch,".
12481	"	27	Change first word "Vorstand" to "Chief".
12482	10118	1	last word "supplemented" should be "supplementary".
12483	"	3	Change "without such a contract" to "although on application to that effect".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12484	10118	10	"document 39" should be "document 33".
12485	10120	25	Add "organizations" after last word "affiliated".
12486	10121	22	"Reettger of the Office, Chief" should be "Reettger, Office Chief".
12487	10123	25-26	"the military" should be "militarism".
12488	10125	1	Insert "87" after "page".
12489	"	6	Delete first word "are". "to bring sh-ll be" should be "to make will be".
12490	"	7	"but more" should be "but worse".
12491	10126	5	Change "sons of the factories" to read "all of the visitors".
12492	10127	13	"maderillon," should be "medal".
12493	"	20	"- distinguish" should be "the distinguish".
12494	"	25	"are measured" should be "are measured".
12495	10128	23-27	"This is not a state plant of Kuhlmann" should be "Kuhlmann was not a state plant".
12496	10130	33	"we decide" should be "we desire".
12497	10131	1	"insight" should be "insult".
12498	"	21	"was only" should be "played only".
12499	"	22	Insert "sales of" after second word "the".
12500	10132	10	Change "produce sulphuric acid back again" to read "regain the sulphuric acid".
12501	"	15	First word should read "plants".
12502	10133	9	"of other" should be "to and from other".
12503	10135	3	Place comma after "his idea's".
12504	10136	4	Delete "that" after "woman says".
12505	"		Change last word "the" to "a".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12506	10137	7	Delete "off" after "abused".
12507	"	19	Change "caused because" to read "due to the fact that".
12508	"	20	"the beginning of the war." should be "the years of the war."
12509	10138	3	Delete last word "off".
12510	"	10	Place period after "to it".
12511	"	25	Insert "book." after "Document".
12512	"	31	"I-1078" should be "MI-10785"
12513	10139		Change "is becoming the military" to read "was military".
12514	"	25	"I was informed" should be "I was not informed".
12515	10140	10	Change last word "repeatedly" to read "immediately".
12516	"	30	"because" should be "because".
12517	10142	16	"to the SD and OX" should be "on the part of the SD and OX".
12518	"	25	Change "plant managers" to "employees".
12519	10143	16	Insert "Exhibit 659" after "MI-10595".
12520	10146	26	Change "to keep all supplies" to read "to cover the requirements".
12521	"	31	Change "inclusive of sulphuric acid." to read "including pyrite."
12522	"	13	Change last word "stocks" to "figures".
12523	10150	4	"paying him" should be "paying it".
12524	10152	13	"On the matter Feder and Hock testified," should be "On the matter of Feder and Hock I have already testified."
12525	10154	15	"in Grates" should be "in Graz".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12526	10154	27	Delete "and then" after "specific".
12527	10155	3	"that the question" should be "to direct that a question".
12528	"	13	"complete it," should be "complete it,".
12529	"	23	Insert "a" after "confirmed by".
12530	10157	4	Change "constitute" to "require".
12531	"	5	Change period to comma after "there". Continue sentence with "after,".
12532	"	7	"was discussed" should be "had been discussed".
12533	"	9	"Austrian chemistry" should be "Austrian chemical industry".
12534	10158	12	"Mr. Most von Sciller," should be "Mr. Moos von Sciller,".
12535	10159	16	"of course," should be "of ours,".
12536	10160	11	"died of" should be "died on".
12537	10161	13	"explorics" should be "explosives".
12538	"	17	Delete "to build,".
12539	"	20	Change "to produce with substances" to read "to develop with the help of Farben & production".
12540	"	21	"the Blkane," should be "the Bal-kane."
12541	"	23	Third word "po t." should be "plant."
12542	"	40	"lead to many" should be "led to many".
12543	"	29	Place period after "sought". Delete next word "after."
12544	"	30	"power plant," should be "state-owned plant,".
12545	"	31	"to Farben" should be "of Farben".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12546	10161	22	Change entire line to read "the Austrian territory -- from Bronnenburg near Vienna to Poos'ierbaum."
12547	10162	2	Change "part of the site." to read "the new plant."
12548	10162	3	Insert "a" after first word "construct".
12549	"	10	Delete "gencora" before "syrup"
12550	10163	4	Change "later - larger" to read "later on unexpected larger".
12551	"	5	Insert "cellulose wool" after "increasing".
12552	"	10	Delete "this is Exhibit 1101, it is stated".
12553	"	22	Last word "Austrian," should be "Austrian".
12554	"	23	Delete first word "that".
12555	"	25	"his right were cancelled arising from the contract." should be "his rights under the contract were cancelled."
12556	10165	12	"I set for" should be "I refer to".
12557	"	21	"gives a survey" should be "gives a survey".
12558	10166	7	Change line 7 to read "The contents of the Affidavit are briefly summarized; under paragraph 1 the affiant".
12559	"	10	"after 1938" should be "in 1938"
12560	"	25	Delete "the personnel of".
12561	"	31-32	Change from "Pollak" in line 31 through line 32 to read "Pollak in 1938, which Dr. Tushnet, as he said, extremely regretted. Both witnesses".

Line No	Transcript Page	Time(s)	PROPOSED CORRECTION
12562	10167	10	Change "that one was seeking a solution." to read "that a solution was sought."
12563	"	14	"annexation of Austria" should be "Anschluss of Austria".
12564	10168	5	Third word "associate" should be "friend".
12565	"	10	Change "that was arranged with Dr. Haier." to read "mentioned by Dr. Haier."
12566	"	22	Change first word "faith" to "fate"
12567	"	25	Change "they reverted" to "they came".
12568	"	27	Place comma after "Prager Verdin" and delete next word "interacts,".
12569	10169	1	"avoided. These arrangements were" should be "avoided that these arrangements should be".
12570	"	10-12	Change "for Communists, and the political events would make" to read "for Communists for the Russian Balkan plants, since the political events make".
12571	"	15	Change "ideas as those of the plant" to read "spiritual possession of the plants".
12572	"	20	Change "Czech participation" to "Czech-ization".
12573	10170	1	Third word "then" should be "of".
12574	"	5	"foreign organic" should be "for inorganic".
12575	"	13	Change "was exploited" to read "was exploited".
12576	"	15-16	Place period after "negotiations" and delete as reflection "were respected very tactfully by us for the negotiations."
12577	"	25	Last word's "members of" should be "member of".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12370	10170	25	Place period after "Mr. Dvorack". Begin new sentence with "I further".
12371	"	26	"write" should be "wrote".
12372	"	29	"where the letter" should be "which letter".
12373	10171	3	Insert "and concluded" after "conducted".
12374	"	2	Place period after "anner" and delete "and that they were now concluded."
12375	"	6	"feber plant" should be "fiber plant".
12376	10172	5	"was already" should be "were already".
12377	"	10	"produces" should be "products".
12378	"	20	"if it had been its intention" should be "if its intention had been".
12379	"	24	"Rusttger" should be "Rusttgers".
12380	"	37	"were in Ruscha." should be "was in Ruscha."
12381	10173	9	Delete third word "dioxide,".
12382	"	10	"Hexamethylene and tetramine," should be "Hexamethylentetramine."
12383	"	14	Change "e-idle" to "agent".
12384	10174	5	"Titik-Gesellschaft" should be "Titik-Gesellschaft".
12385	"	10	"were from" should be "were very favorable to".
12386	"	15	Insert "for smoke-screen agents" after "Hexachloroethane".
12387	10175	17	Change entire line to read as follows: "THE PRESIDENT: Very well. Exhibit 1 of the defendant Uhano, which had been marked for identification only, is now in evidence."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12586	10176	17(cont'd)	DR. LUTHER: The witness "ayer confirms in this affidavit".
12587	"	30-31	Delete "(motivated comp.)".
12592	10177	19	Insert "and the decisions" after first word "decisions".
12599	10180	Pageination	Pageination of page 10180 beginning "I now ask your Honors" should be changed to 10181.
12600	10181	20	"TSE record" should be "TDC record".
12601	"	22	"to receive" should be "to get".
12602	"	23	"Kuchno No. 17," should be "Kuchno No. 70,".
12603	10182	3	Insert "in K and L plant," after "for life,".
12604	"	4	Insert "as far as I remember," after "procedure".
12605	"	15	"TSE record" should be "TDC record".
12606	10183	2-3	Change from last word "I" in line 5 to read "I" resodet to their pay, the conditions of the Polish and eastern workers was worse in a certain way, but I shall deal with that later."
12607	10184	25	Change "in the newly established plants," to read "in the plants not yet familiar to them,".
12608	10185	11	"and for the principle" should be "and the principle".
12609	"	23	"who could work" should be "whoever works".
12610	10186	2	"page 61" should be "page 161".
12611	"	10	"this minute" should be "these minutes".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12512	10186	26	Change line 26 to read "Q. May I ask you how the foreign workers were housed?"
12517	10188	11	"Kuns" should be "Kuchne".
12514	10189	17	Last words "are being" should be "should be".
12515	"	18	"are being used" should be "are to be used".
12516	10190	1	"MI-8979" should be "MI-C977".
12517	"	13	Insert "and" before "that is why".
12518	"	15	Insert "and" before last words "that this".
12519	"	27	"leurer" should be "leurer"
12520	10191	9	"leurer." should be "leurer."
12521	10192	2	Place comma and insert "Plittard Paulinshof," after "Cologne".
12522	"	17	"from 42 to 44" should be "from 1942 to 1944".
12523	10195	5	"didn't matter" should be "doesn't matter".
12524	10196	1	Second word "this" should be "these".
12525	"	5-6	"is a statement" should be "as document 89 is a statement".
12526	10197	12	Delete comma after "Petro". Place comma after "mentioned", and also after "Doyen".
12527	10200	6	"to peruse" should be "to peruse".
12528	"	7	Delete last word "the".
12529	"	2	"percentages" should be "percentages".
12530	10201	7	"75 per cent" should be "25 per cent".
12531	"	16	"Tannsfeld," should be "Tannford,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12632	10201	18	"German Book 74" should be "same Document Book, 74".
12633	10202	22	"Dorsch." should be "Torsch."
12634	10203	15	"TDZ" should be "TDC".
12635	"	22	"were somewhat worse treated" should be "were treated somewhat worse".
12636	10204	12	"s dd" should be "added".
12637	10205	9	"segments show" should be "show segments".
12638	"	17	add "way" after 1st word "fashionable".
12639	"	21	"245" should be "254".
12640	"	22	"the laws" should be "the lawns".
12641	10206	5	Place comma after "female". Change next word "testimonies" to "who".
12642	"	23	"TDZ" should be "TDC".
12643	"	27	"II of Document Book II." should be "III of Document Book II."
12644	10207	31	"children at" should be "children employed from".
12645	10208	6	"that the Labor" should be "that there was Labor".
12646	"	23	Insert "which" after "half,".
12647	10210	1	Change line 1 to read: DR. WHITE: I quote: "This is," "Mr. Winkoff says, "a report
12648	"	2	Place quotation marks after "stated".
12649	"	3	Place quotation marks before "that".
12650	"	10	"to draw his attention" should be "to turn his attention".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12651	10210	16	"side me startle." should be "startled me."
12652	10214	14,22	"was returned," should be "was served,".
12653	10215	30	"202 to 293," should be "282 to 283,".
12654	10216	17	"me gentlemen" should be "my gentlemen".
12655	10217	12	Change "probable" to "natural".
12656	"	16	"the funds necessarily" should be "the necessary funds".
12657	"	24	"employ and" should be "employ any".
12658	10218	28	Change "on the radio," to read "on the so-called Drahtfunk,".
12659	10220	1	"not production" should be "no production".
12660	"	12-13	"and labor demand" should be "the labor requirements".
12661	10221	10	Change line 10 to read "Leverhousen. The letter referred to of the plant Leverhousen to the Labor Office of Division, bears the date of the".
12662	"	11	"5th of January" should be "15th of January".
12663	"	15	Last word "cedo." should be "cedo." also place quotation marks before and after word.
12664	"	16	"e-o-d-a." should be "C-o-d-a."
12665	10222	14	"There was" should be "was there".
12666	10225	3	"you had known" should be "you had not known".
12667	"	17	"but I want" should be "but what I want".
12668	"	9	Insert "that" after "Committee,".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12669	10226	11	"council". should be "Verwaltungsrat." with quotation marks after it.
12670	"	25	"Aufsichtsrat." should be "Verwaltungs-rat."
12671	10227	10	"the Farben Dynamit" should be "Farben, Dynamit".
12672	10228	17	Insert "was" after "Creditanstalt".
12673	"	30	"I hope" should be "I hoped".
12674	10233	3	Insert "or any nitrogen," after "gasoline".
12675	10236	31	Change line 31 to read "A. I do not know this name."
12676	10239	13	First word "with" should be "within".
12677	10240	12-13	"wasn't the Leverkusen Plant award by Hitler?" should be "didn't the Leverkusen Plant receive an award from Hitler?"
12678	10244	35	Last word "plants," should be "Reich,".
12679	10247	32	Delete "as" after "program".
12680	10249	4	"the word" should be "the wording".
12681	10253	6-7	Change "to find a contradiction in them." to read "to have any opposition to them."
12682	10254	12, 18	"Gudetes" should be "Gudeten".
12683	"	14	Change period to comma after "Czecho-slovakia".
12684	"	27	"some kind" should be "some kind".
12685	10257	8	"ask you question" should be "ask your questions".
12686	10257	14	Place comma after "Keesbierbaum". Delete next word "and".
12687	"	17	"to the construction on this" should be "for the construction of this".
12688	10258	17	"as" should be "an" after "placed".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12689	10256	26	Insert "the" before "Anschluss,".
12690	10260	2	"with the Dvoracek. The" should be "with Dvoracek's examination. The".
12691	10261	23	Insert "that" before "the procedure".
12692	"	24	"indulging, and which seems to not be" should be "indulging in, which seems not to be".
12693	10263	9	"in your files." should be "in his files."
12694	10267	14	"factor" should be "factory".
12695	10268	23	"as much furlough" should be "as many furloughs".
12696	"	27	Last word should be "officially".
12697	10274	4	"dietitians" should be "diet people".
12698	"	6-8	Delete "it shouldn't be dieticians, but the people who received the diets did not act according to the regulations and".
12700	10275	14	Insert "(Editor's note: See page 10277, lines 1-4)" after "1943."
12700	10377	2	Add "stated" after "paragraph 7,".
12701	"	26-37	Insert after line 25 and before line 26 "to part A and one witness by the name of Zweigert. With regard".
12702	10280	11	Insert "being" after "which was".
12703	"	19	"I become" should be "I became".
12704	10283	2	"449, Book 24" should be "494, Book 22".
12705	"	21	"Germany" should be "German".
12706	10284	5	"after Reichsbank," should be "then the Reichsbank".
12707	"	10	"Under IG," should be "under I-G".
12708	10285	22	"and effective" should be "an effective".
12709	"	24	"Fifth." should be "Fourth."

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12710	10285	26	"Sixth." should be "Fifth."
12711	"	29	"Seventh." should be "Sixth."
12712	10286	2	"into the tasks" should be "in the tasks".
12713	"	28	Delete "Propaganda and".
12714	10287	21	"in regard in" should be "in regard to".
12715	10288	8	Place period after "aspect". Begin new sentence with "One cannot,".
12716	"	19	Delete third word "not".
12717	"	27	"there were slogans which had" should be "these were slogans which we had".
12718	10290	17	Change first word "near" to "connected".
12719	10292	12	Change "what was the name of Bayer?" to read "How was Bayer registered as a firm?"
12720	"	14-15	Change "The first name we gave was Bayer," to read "we set the name Bayer in front,".
12721	"	24	"during the war but," should be "but, during the war".
12722	10295	5	Insert "allow" before "independence".
12723	10296	7	"The last time," should be "At the end,".
12724	10297	23	Insert "and" before "the Economics".
12725	10298	6	Change "For instance, orders to be given, for instance," to read "For instance, that orders should be given".
12726	"	8	"was not with an" should be "was also not on".
12727	"	10	"and it was mainly called" should be "and for that mainly it was called".
12728	"	23	Add "Economy" after "Colonial".
12729	10300	15	"be legal" should be "by legal".
12730	"	27	"was that" should be "that was".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12731	10300	28	Delete first two words "these things".
12732	"	30	"you have heard" should be "you heard".
12733	10301	3	"proliamentary" should be "parliamentary".
12734	"	4	Delete last word "ether".
12735	10303	4	Insert "could" before last word "agree".
12736	10304	18	Change "Berley" to "costs".
12737	10305	9	"tenable" should be "untenable".
12738	"	23	Insert "occasionally" after "to make".
12739	10306	15	Insert "necessary" after "a certain".
12740	"	16	"the IAD the IS organization, abroad" should be "the AO, the IS organization abroad".
12741	"	17	Delete "abroad" after "expressed". Add "abroad," after last word "organizations".
12742	"	28	Insert "and" after "English".
12743	"	29	Delete comma after second word "recess".
12744	10310	17	Change "was created," to worked, ".
12745	"	18	Add "better" after last word "or".
12746	"	20	"The second exhibit," should be "As the second exhibit,".
12747	"	31	Change line 31 to read "I ask that I be permitted to produce the witness".
12748	10313	13	"calavry." should be "cavalry."
12749	"	15	Change "demonstrations" to read "assemblies".
12750	"	17	"the setting of one of unified" should be "the setting up of one unified".
12751	"	29	Change comma to dash after "ideals".
12752	"	32	Change semi-colon to dash after "as I know".

Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12753	10318	9	Change "and they" to "who" after "abroad".
12754	10319	3	"tallow workers" should be "fellow workers".
12755	10321	12	"handled then" should be "handled it".
12756	10322	32	"quite a number of them" should be "some of them".
12757	10323	4	"these directors" should be "these gentlemen".
12758	"	26	Change period to comma after "Forces". Also change next words "They based themselves on" to read "on the basis of".
12759	10324	13	Change "in my personnel office," to read "in my own secretariate,".
12760	10325	1	Insert after line 1 and before line 2 the following sentences: "Q. What was the name of this man? A. Karl Fink; but I may add that in spite of this man I do not know of one single case where it was not possible to help when I was asked."
12761	"	8	Insert "by" before "regulations".
12762	"	29	"was killed" should be "perished".
12763	10326	15	Change period to comma after "and". Rest of the line should be "negotiations with the aim whenever possible of safe-".
12764	"	26	Insert "to wit," after "netter,".
12765	"	27	"wish" should be "with,".
12766	10327	2	Change "service and military safety," to read "sovereignty was established,".
12767	"	9	Last words "was as a" should be "war as a".
12768	"	11	"on the pattern," should be "on a pattern:".
12769	"	26	Insert "and the employees" after "directors". "that were" should be "that was".
12770	"	24	"condiored" should be "considered".

Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12771	10328	4	Place period after "here". Begin new sentence with "My personal".
12772	"	5	Delete period after "war". The following words "They were" should be "was".
12773	"	17-19	"64,000 marks," should be "600,000 marks,".
12774	10330	14	Place comma and insert "a Danish civilian who was secretary" after "Skousen".
12775	10332	11	"Sangen," should be "Zangen,".
12776	10333	25	"Document 216" should be "Document 218".
12777	10335	12	Delete "even" after "I don't".
12778	"	26	"that is that" should be "that the list in".
12779	"	27	Place semi-colon after "contributions".
12780	"	28	Change period to comma after "schools". Continue sentence with "and contributions".
12781	10336	12	Delete period and "That is" after "Reichsmark".
12782	"	13	Change period to comma after "question". Delete "That amounts to".
12783	"	31	"I wanted" should be "I want".
12784	10337	22	"Reich authorities," should be "Reich agencies,".
12785	10339	3	"Count 10" should be "Count L-O".
12786	"	20	Change "we didn't make" to read "we didn't set aside".
12787	"	24	Delete "by reason" as repetition.
12788	"	27	Change "from the authorities" to read "from the things I heard".
12789	"	28	Insert "to me" after "seemed".
12790	10340	3	"when he was" should be "when Gettineau was".
12791	"	4	Delete third word "and".

Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12792	10340	23	"sixty-five percent" should be "fifty-five percent".
12793	"	26	"with whom" should be "with which".
12794	"	31	Second word "medicants" should be "medicaments". Place comma and insert "as it is called in America" after "business".
12795	"	32	Delete "a little".
12796	10341	1	"had a whole number" should be "had a large number".
12797	"	4	Insert "which are hardly worthy of the name." after "enterprises".
12798	"	12	"Count IE" should be "Count I-E".
12799	"	20-22	Change from "resources" in line 20 through "fund" in line 22 to read "resources certain businesses were to be financed which normally would no longer have been considered as export businesses because of financial difficulties. This export fund".
12800	"	23	"these firms made" should be "those firms which made".
12801	"	34	Change last word "ordinarily" to read "received certain amounts of money".
12802	"	25	Place period after "means". Begin new sentence with "Of course,".
12803	"	26	"be only the ones" should be "be the only ones".
12804	"	26	"But this has already been explained and that it was" should be "But as has already been explained it was".
12805	10343	15	"for an exchange." should be "foreign exchange."
12806	"	23	Change "our transactions" to read "our settlement of accounts".
12807	"	24	"our exports." should be "our export proceeds."
12808	"	26	"and longer," should be "any longer,".
12809	"	30	Place quotation marks before "we guarantee".

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Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12792	10340	23	"sixty-five percent" should be "fifty-five percent".
12793	"	26	"with whom" should be "with which".
12794	"	31	Second word "mendicants" should be "medicaments". Place comma and insert "as it is called in America" after "business".
12795	"	32	Delete "a little".
12796	10341	1	"had a whole number" should be "had a large number".
12797	"	4	Insert "which are hardly worthy of the name." after "enterprises".
12798	"	13	"Count IE" should be "Count I-E".
12799	"	30-33	Change from "resources" in line 30 through "fund" in line 33 to read "resources certain businesses were to be financed which normally would no longer have been considered as export businesses because of financial difficulties. This export fund".
12800	"	23	"these firms made" should be "these firms which made".
12801	"	24	Change last word "ordinarily" to read "received certain amounts of money".
12802	"	25	Place period after "means". Begin new sentence with "Of course,".
12803	"	26	"be only the ones" should be "be the only ones".
12804	"	28	"But this has already been explained and that it was" should be "But as has already been explained it was".
12805	10343	15	"for an exchange." should be "foreign exchange."
12806	"	23	Change "our transactions" to read "our settlement of accounts".
12807	"	34	"our exports." should be "our export proceeds."
12808	"	28	"and longer," should be "any longer,".
12809	"	30	Place quotation marks before "we guarantee".

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Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12010	10344	2	"that was done" should be "that should be done". Also place quotation marks after last word "year."
12011	"	23	"Count IF" should be "Count I-F".
12012	10345	11-13	Change from "basis" in line 11 through line 13 to read "basis of pharmaceutical chemicals produced by a small number of firms. In other words, they are firms that have a certain way of manufacturing or final finishing, as was".
12013	"	15	"the synthetic materials. They were " should be "synthetic materials which were".
12014	"	35	Last words "to the" should be "of the".
12015	10346	19	Change "In the special" to read "I only may add that in the special".
12016	"	20	Add "also" after last word "were".
12017	"	23	"Sterling Brothers" should be "Sterling Products".
12018	"	25	"about a fifty-fifty contracts" should be "on a fifty-fifty basis".
12019	"	26	"South America." should be "South Africa."
12020	"	37	Insert "the American Cyanide Company in the field of insecticides. We also had contracts with England," before "Czechoslovakia".
12021	10347	3	"it would have been" should be "it was".
12022	"	3	"if we had" should be "when we".
12023	"	4-5	Change "had to be concluded the so-called" to read "were concluded. Of so-called". Delete last word in line 5 "all".
12024	"	6	Change period to comma after "pharmaceuticals". Continue sentence with "there were".
12025	"	7-12	"sterling products," should be "Sterling Products,".
12026	"	27	Change "periodicals" to "purchasers".
12027	"	29	Delete "were sold by the little consumers and which".

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PROPOSED CORRECTION

12628	10347	30	Insert "and which" after "consumers". Change period to comma after "basis".
12629	"	31	Change line 31 to read "that is to say, which were sold freely in the stores, the selling of this material".
12630	10348	6	Change "in German" to "in English".
12631	"	7	Change "in English" to "in German".
12632	"	13	Change "It was not done at all by us, for all" to read "It was not at all possible, for of all".
12633	"	13-14	Change from "abroad" in line 13 through "We were" in line 14 to read "abroad which was usually done by our agents abroad, we were".
12634	"	15	Insert "therefore" after first word "we".
12635	"	19	Change "International" to "general".
12636	"	21	Place comma after "development" and change rest of line to read "but in another sense than understood by the Prosecution, mainly because".
12637	"	27	Change comma to period after "Hitler". Begin new sentence with "Particularly".
12638	"	25	Change period to comma after "abroad".
12639	"	31	Insert "that" after "emphasize".
12640	"	32	Change period to comma after "direction". Delete next word "It".
12651	10349	9	Delete "possibly" after "that could not".
12652	"	10-12	Change lines 10 and through "self-evident" in line 12 to read "task carried out by the Economic Political Department (WIPO) and the Economic Research Department (VDVI), — about which subject my colleague Ilmer has already dealt — we gained additional economic information from abroad from our Farben liaison men. We also got information from Germany but that is so self-evident".

Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12043	10349	16	Insert "economic" after "of an".
12044"		19	"as for instance, documents have been" should read "for instance, as to the documents which have been".
12045"		20	Insert "which everyone could read" after "articles".
12046"		21	Change line 21 to read "of South America, articles which were sent to us by our liaison man, it".
12047"		22	"that I had" should be "that we had".
12048"		24-25	Change line 24 through "one had to know" in line 25 to read "the Army. In other words there would be certain competition conducted for remedies and because we intended to participate, one had to know".
12049	10350	1	Insert "Ex. 17" after "letter".
12050"		3	"the public prosecutor" should be "the Prosecution".
12051"		4	"we constantly -- that is," should be "it was customary that we, that is,".
12052"		13-14	Change "and letters were intended to accompany" to read "and nothing else was intended by".
12053"		15	Change "to be indicted" to read "on which one can be indicted".
12054"		19	Place comma after "page 94". Delete next words "of the same".
12055	10351	20	Change last word "from" to "against".
12056"		21	"every possible" should be "the next possible".
12057"		22	Change line 22 to read "presents itself, the gentlemen are to be verbally pledged accordingly".

Item No.	Page NO.	Line(s)	PROPOSED CORRECTION
12856	10352	5	"to the Office." should be "to the official agencies."
12859	"	13	Change "Bayer Sales Combine." to read "Bayer Pharmaceuticals and insecticides."
12860	10353	14	"when I think" should be "then I think".
12861	"	21	Change comma to period and insert "This agency in Berlin wrote in turn" after "in Berlin".
12862	"	25	"therefore I said" should be "and therefore I had to say".
12863	"	30	Insert "to take the difficult decision." after first word "no". Also "this letters" should be "this letter".
12864	10354	1	"page 63" should be "page 93".
12865	"	6	"but I always maintained in " should be "which I always maintained. In".
12866	"	8	Insert "it" before "states:"
12867	"	9	Change "makes necessary" to "leads to".
12868	"	24	"camouflaged" should be "camouflage".
12869	10355	19-21	Change from "competency." in line 19 through "Our interest" in line 21 to read "competency. We also were interested in these transactions and that is the reason why we agreed. Our interest".
12870	"	23	Delete "methods,".
12871	"	24	"our pay, our income received" should be "our income in pesos at Buenos Aires received".
12872	"	25	"German" should be "Germany".
12873	10357	13	"addressed" should be "addressees".
12874	14359	7	"as much as" should be "this much, that".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12075	10359	10	Change comma to period after "cross-examined".
12076	10360	12	"and should" should be "which should".
12077	"	18	First word "can" should be "may".
12078	10361	5	Insert "an" after "never was".
12079	"	14	"296" should be "297".
12080	10362	29	Insert "it was possible and when" after "as long as".
12081	10364	12	Insert "by" after "It is also".
12082	"	24	Change "of Finance" to "of Economics".
12083	10365	17	"which has Document No. 1-5, dated" should be "as is shown by Document No. 1-5, are dated".
12084	10366	8-9	"certifies to Mr. Mann with regard to his attitude" should be "certifies as to Mr. Mann's attitude".
12085	10367	13	Change "be brought back to" to read "be based on".
12086	"	25	"and I want to show" should be "and he shows".
12087	10368	1	Insert "chart" after "column".
12088	"	26	"dismissed of Jewish" should be "dismissed of Jewish".
12089	10370	12	"Count 1-5" should be "Count 1-0".
12090	10372	9	"Mr. Rohmann personally," should be "Mr. Rohmann's personality,".
12091	10375	14	"two decisions" should be "two KA decisions".
12092	"	16	Insert "(not just Beyer)" after "I.G."
12093	"	22	Change line 22 to read "these requests of the OKW also with regard to the local connections,".
12094	"	27	"Oberhaf," should be "Overhoff,".
12095	"	31	"Count 1-A." should be "Count 1-H."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12896	10376	27	"Dr. Kueppers" should be "Dr. Kuepper,".
12897	10377	1	"Dr. Kueppers" should be "Dr. Kuepper."
12898	"	13	Delete "it" after "speaking,".
12899	"	24	Insert "I was" after "of which".
12900	"	28,29	Change "Reorganization." to read "a New Order."
12901	10378	2	"built with" should be "treated".
12902	10379	20	"autonomy" should be "autonomy".
12903	10380	1,3	"of the reports," should be "of the report,".
12904	10381	23	"Document 19C" should be "Document 119".
12905	10381	29	"It is concluded" should be "It is included".
12906	10382	13	Change semi-colon to comma after "protections".
12907	"	24	"520" should be "528".
12908	10386	26	Delete as repetition "I offer Document 337 as Exhibit 201,".
12909	10389	10	"274." should be "284."
12910	10391	8	Delete semi-colon and "exports" after "business".
12911	"	26	"trade mark" should be "trade marks".
12912	10392	4	"prodaction" should be "protection".
12913	"	13	Change "you now take" to read "you take before the war".
12914	"	14	Delete "before the war".
12915	"	24	Place quotation marks before "After".
12916	"	27	Place quotation marks after "enterprise."
12917	"	26	Place quotation marks before "With reference".
12918	"	29	Place quotation marks after "statements,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12919	10392	30	Place quotation marks before "Lutter" and after "informa".
12920	"	31	Place quotation marks before "Lutter".
12921	10393	1	Place quotation marks after "Paris,". Also place quotation marks before last word "has".
12922	"	4	Place quotation marks after "program."
12923	10394	7	Place dash after last word "share,".
12924	"	10	Change period to dash after "Rhône-Foulenc". Continue sentence with "the share".
12925	"	16	Place quotation marks before "Thus Rhône-Foulenc".
12926	"	16	Place quotation marks after "market."
12927	10395	2	"pharmaceuticals," should be "pharmaceutical chemicals,".
12928	"	17	Change "negotiations" to "agreements".
12929	10396	3	Change line 3 to read "Tribunal what this patent situation in France was like with regard to pharmaceutical products?"
12930	"	18	"material; the application" should be "material, an application".
12931	"	37	Change "the granting of" to read "participation in".
12932	10397	3	Delete comma after "about". Place comma after "with the French" and delete next words "or with".
12933	"	8	"361" should be "163,".
12934	"	19	First word "took" should be "reached".
12935	"	20	Insert "out" after "we brought".
12936	"	21	"we had to find out" should be "we often found out".
12937	10398	5	"and he refers" should be "and 'you' refers".
12938	"	20, 25	Change "armistice" to "peace treaty".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12939	10399	8	"wanted a patent" should be "wanted the patent".
12940	"	13	Insert "Exhibit 185," after "Document 335,".
12941	10400	13	Delete quotation marks after "people."
12942	"	16	Place quotation marks before "The French".
12943	10401	21-26	Change from "I discuss" in line 21 through line 26 to read "I discuss the negotiations with Rhone-Poulenc, I will only say that they were of extreme advantage to the Rhone-Poulenc firm since for the licenses that we granted to Rhone-Poulenc for new products, they became the sole licensee."
12944	10402	2	Change quotation marks around "Aspirin" to single quotes and place regular quotation marks at end of line to show end of quotation.
12945	"	12	Change last word "Royer" to "Rhone-Poulenc".
12946	8016	16	Last word "for" should be "through".

Suernberg, 27 May 1948
late

By _____
D. A. Sprecher

for THOMAS TAYLOR
Brig. Gen., U.S.A.

By _____
Dr. Rudolf Dix

for DEFENSE COUNSEL, CASE VI

8647 (-153-)

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OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 25**

**TRANSCRIPTS
(English)**

9-12 March 1948 pp. 8698-9089

Official Transcript of Military Tribunal VI in the matter of the United States of America against Carl Krauch, et al; defendants, sitting at Nurnberg, Germany, on 9 March, 1948, Judge Curtis G. Shamba presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, you may make your report.

THE MARSHAL: May it please Your Honors, the defendant Haefliger is absent due to illness; defendants Lautenschlaeger and Ilgenor are excused by the Tribunal.

THE PRESIDENT: Any very short announcements, gentlemen?

DR. NELTE (For the entire Defense): All defense counsel have discussed the possible effects which the decision of the Tribunal, dated 27 February, concerning the time limit about the cases to be presented. They investigated the concern of all those defense counsel whose cases have not yet been closed. The defense believes that it should point out to the Tribunal the difficulties arising from the order that the entire documentary evidence is to be submitted by April 1st.

It is known to the Tribunal that the defense can only turn over complete document books for translation and for mimeographing. The duty to turn these books over by a certain deadline with the possibility of later having the opportunity of handing in supplementary evidence to be translated might become very prejudicial to the defense.

The Tribunal should also consider that the volume of the evidence is not of our own choosing but that it depends on the volume and the type of evidence of the Prosecution. I believe that in the proceedings up to this time the Defense has shown its full willingness to comply with all desires of the Tribunal. This frequently was only possible and is only possible if the defense assumes the risk of considering some points that the Prosecution have submitted as irrelevant or as not proven.

Under the circumstances, it seems somewhat risky to the Defense if

the deadline for presentation of documents is put at the first of April, but if the deadline for closing of the cases should not only be limited to the 19th of May, but that the individual presentation of each case should be put on an hourly basis. The responsibility of the individual Defense Counsel to see that the time limits are kept seems to be in principle a restriction of the right and duty of the defense counsel to adapt their presentation of evidence to the seriousness and to the volume of incriminating material offered.

The Defense also regrets that the final pleas have been restricted to one hour. In the opinion of the Defense the closing brief cannot completely replace the final plea. As long as this proceeding basically is oral, in the opinion of the Defense, an adequate time has to be allowed for the final pleas which certainly will differ for each particular defendant. The time limit of one hour for the final pleas of the defendants in this trial seems inadequate for the Defense. The Defense asks that the comparable trials be consulted - the ICT and the Flick Trial - and consideration be given to the time that they allowed, and to make that the yardstick for measuring our deadline and time limit.

The Defense would therefore be grateful to the Tribunal if they could once more consider their decision of the 27th of February, and the Defense asks that it be called to a conference in chambers to speak on this because he has handled the matter for the Tribunal.

In the first place, if April 1st is too short a time to submit document books for processing, we would not be in session now. A number of counsel representing defendants already processed their books and made their showings. I wonder just what the situation of Dr. Bootcher, who had to make the first start in this case, would have been if April 1st had been thought to be too short a time for those who followed him to have their books presented for processing.

Secondly, I should like to point out that the rule we adopted was just one of necessity in order to avoid an accumulation of material to be

processed at a later hour so that it would be impossible to obtain that service. We took care, we thought, of any unusual situation that might arise where there was reasonable ground for counsel submitting supplementary material after April 1st by just proving that that would be done under the approval of the Tribunal.

There is no disposition on the part of the Tribunal to deprive any defendant of presenting evidence that may be discovered or that diligence could not present by April 1st. If some comes up that there are some additional documents, or even a small supplementary group of documents, there is no disposition of the Tribunal to deny the privilege of presenting such documents. But we do feel that in the main, counsel who have not yet presented their cases are in a more advantageous position than their associates who have already been called to present their evidence. And surely April 1st is not an unreasonable time within which to present the books proper.

Now, I just wish to say one thing further and then I will permit Judge Hebert to speak. Counsel has emphasized the limitation of one hour for each defendant in argument. That may, in comparison with time that has been granted some other cases, seem short. But in the aggregate, gentlemen, one hour of argument for each defendant means a week of argument for this Tribunal to hear, and that is a lot of argument in any case; and we have said that the division of that time is within the control of counsel, so that you may group arguments together as you are grouping the presentation of your evidence together, if you find it advisable to do so.

It is much easier to be extremely liberal in the amount of time that can be granted for argument when there are comparatively few defendants than when there are so many as there are in this case. And yet it does occur to me personally that one week or a bit more of argument as this would figure out here, taking into account the time that we have allowed the Prosecution, is a very adequate and liberal allowance

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for oral presentation, in view of the fact that we have granted permission in addition to that to file such briefing material as you think would be helpful in presenting your case to the Tribunal.

Judge Robert?

JUDGE HERBERT: Well, I have just brief comments: I might point out in connection with the April 1st date that was set for the submission of documents that that date in reality affects only seven of the defendants - the defendants Oster, Wurstler, Duerrfeld, Gattinsau, von der Heyde, and Mugler. That is so because even prior to the announcement of this ruling of the Tribunal, at the suggestion of the Defense, we were operating under a rule pursuant to which it was understood that document books would be presented for processing ten days prior to the commencement of the case, and under the rule previously in effect these would be the only defendants affected by the rule.

Of course what Judge Shako has said is absolutely clear. April 1st is very advanced in the trial of this case, and it does not seem to us at all unreasonable to expect the documents to be presented by that time for processing. However, I should point out that the Tribunal did not lay down an inexorable rule that it would not consider additional documents which you might desire to present thereafter. The order of the Tribunal, I think, made it clear that special application would have to be made, but if there is something important and material to be processed thereafter the order was broad enough to cover any such serious case which would be so presented.

Now, insofar as the time for the presentation of evidence allotted to each individual defendant, we reached those allotments after very careful consideration of estimates which had been submitted by counsel. I think that it has been borne out so far that there is nothing unreasonable in that because the defendants who have preceded their cases have been able to stay well within the time limit allowed, and in one instance the Tribunal did consider the matter of sufficient importance to allot the additional time that would be necessary.

I think we should all bear in mind that we are arriving at a stage in the presentation of evidence where the issues are becoming very clear and that there is a certain amount of repetition in the material that is being presented. Now, it has been the desire of the Tribunal not to hamper in any way a defendant in his testimony, and we have allowed I think the widest latitude, even to the stage of allowing a great deal of repetitious matter which might perhaps be properly objected to at this stage of the case. We think that is a sound policy because each defendant should be entitled to testify and bring out those matters which he and his counsel deems of importance to his case.

We hope we can continue that policy, but we do not think that there is anything unfair in practice in the time allotments so far given. Now, insofar as the briefing time and the time on arguments, I might point out that the aggregate of twenty-three hours gives a very considerable sweep of time to cover thoroughly all of the aspects of this case in concluding argument if the same wise division of labor is employed by counsel in cooperation as you have done to date in the presentation of your evidence. And we think that will be helpful to the Tribunal in enabling us to see the issues much more clearly.

And then one further point. There is no limitation placed on the amount of argument which you may submit to the Tribunal for consideration briefs. I think the Tribunal made that clear in the order which was handed down, and any additional argument which you may advance in closing letters or in briefs the Tribunal will very carefully consider.

One final observation. If in any instance the allotment of time which has been made operates to prevent the presentation of additional evidence which you think should be before the Tribunal, you are at liberty to call that to our attention and, as we have pointed out, there are no limitations upon the use of the commissioner to bring before this Tribunal any evidence which you think should receive the attention of the Tribunal.

Under all of these circumstances, I think that the ruling announced by the Tribunal is eminently fair, and I have no further comments.

THE PRESIDENT: Judge Morris?

JUDGE MORRIS: I agree fully with what has been said by my colleagues, and I don't care to take up valuable time by making further unnecessary comments.

DR. LIBERT (Counsel for defendant Kuchna): Mr. President, I ask that the defendant Kuchna be excused this afternoon for the preparation of his defense.

THE PRESIDENT: The request is granted.

You may continue, Dr. Flöschner.

DIRECT EXAMINATION (Continued)

HEINRICH BUSTEFISCH (Resumed)

BY DR. FLÖSCHNER:

Q Dr. Bustefisch, when did you join the Economic Group Motor Fuel Industry in the advisory Council?

A As far as I remember that was in 1936.

Q What was your task there?

MR. SPEECHER: "Kraftstoff" - Motor Fuel Industry.

Q What was your task there?

A In the Economic Group Motor Fuel there was an advisory Council. This "Beirat" or advisory Council was composed of representatives of the mineral oil industry. I was responsible for hydrogenation questions in this advisory Council; the questions touching upon Farben and the other technical groups were represented in a similar manner. There it was merely a technical affiliation on the one hand and for the rest the Economic Group Mineral Oil Industry was an organ of commercial enterprises.

Q Do you know how many economic groups there were altogether?

A I don't know the number exactly, but approximately thirty in Germany. Every professional branch as such was grouped into such an economic group of industry.

Q Dr. Rustefisch, please tell me who, for instance, was responsible for the petroleum industry in this particular economic group?

A When I joined this economic group, petroleum industry was represented as follows: Standard Oil was represented by Mr. Classen; Shell by Mr. Grossbick, and Vacuum by Mr. Engel. The other industries, for instance the Ruhr industry, was represented; the coking industry was also represented; they all had to have somebody in this economic group.

Q Can you briefly enlighten the Tribunal about the tasks and the aims of such an economic group?

A The tasks of such an economic group had been regulated by law. The construction of industrial enterprises had been given under the charge of the Reich Group Industry, and the various economic groups were subordinate to the Reich Group Industry as organizations of economic industry. In this Economic Group the representatives had to safeguard their interests in the taxation fields and other fields, for instance, sales on the market, in at least ten or twenty prescribed fields that I don't want to enumerate here. They all have been laid down in a document. It was representation according to private enterprise aspects towards the Government so that it was not necessary for each firm to run to the Government with their troubles.

Q I think that is enough. Now, I should like to ask you: Did the Economic Group Motor Fuels have anything to do with the plans to extend that industry?

A No, that was not part of the task of the Economic Group. They only had to safeguard their economic interests.

Q Did the Economic Group have anything to do with financing this project?

A No, that was an affair of the individual enterprises. That had nothing to do with the Economic Group. Since the Economic Group Motor Fuels, for instance, I believe had eight hundred members, they would not

have permitted anybody to look into their financial affairs.

Q Did the Economic Group have anything to do with the procurement of labor for the industries under its charge?

A No, that was partly the case in other economic groups, but in the case of the Economic Group Motor Fuels this was expressly exempted, at least for the time that I belonged to this particular group.

Q Now, Dr. Buctofisch, in Germany everything had been regimented by the authorities. Who had to plan to finance and who was charged with procurement of labor for the motor fuels industry? What agency was competent for this work?

A In the case of Economic Group Motor Fuels the projects were done by the G.B. Chem. or by the Reich Office for Economic Development. Financial questions - I don't know who worked on them. That was settled in each individual case separately. I didn't concern myself with it.

What did you ask me?

Q I asked you for procurement of labor.

A That was done by the office of G.B. Chem. If any extensions of plans were concerned and for already existing plans the individual firms requested that through their labor offices.

Q Who was really in charge of the Economic Group?

A It was actually directed by the Main Business Manager. In the Economic Group Motor Fuels that was Dr. Ziervogel.

Q Who paid the salary of the Main Business Manager, and who hired him?

A The members of the Economic Group Industry as such.

Q I wanted to ask you whether conditions in the Economic Group Chemical Industry had been arranged similarly to the arrangement of the Economic Group Motor Fuels.

A Basically all economic groups in Germany were to be directed according to government regulations, but there were certain differences.

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In case of the Economic Group Chemical Industry the Main Business Manager who has been repeatedly mentioned, Dr. Ungewitter, was simultaneously the director of the Reich agency Chemie (Reichsstelle Chemie) and that was a government agency.

Q Could this Reich Agency give any directives to its affiliated organizations with any binding effect?

A The Reich Agency was an agency of the Government and could issue directives as the law permitted it to do so.

Q Was there such a Reich agency also for the mineral oil industry?

A Yes, there was such a Reich Agency and that was called Reichsstelle Mineral Oil Reich Agency Mineral oil.

Q But that has to be kept separate from the Economic Group Motor Fuels, doesn't it?

A There was a clear separation between the Reich Agency and the Economic Group in case of Mineral Oil, yes.

Q I have to ask you once more whether on the basis of the material that you learned about in the Advisory Council of the Economic Group did you have a possibility to make any conclusions as to war-like intentions of the Government?

A No. I believe I have made statements to the effect that in the Economic Group Mineral Oils the production figures were collected, and I say that these production figures were only a fraction of what was actually needed in Germany. In the entire mineral oil field if such an intention of the government had existed one could not have recognized it.

Q You were the director of a Community of Work for Hydrogen Synthesis and Coking industry. What was the task of this Community of Work?

A I believe that from my earlier statements it can be seen that hydrogenation, coking, and synthesis were technically connected. Therefore, the members of the Economic group who were working in these fields had associated in a Community of Work within this Economic group in order to pool their experiences and to exchange their experiences as far as was possible. To name only one field, questions of quality for synthetically produced products or price formation in this field and safeguarding of

their interests towards the Government. This all was centralized in this Community of Work. In this Community of Work, the main technical experts of the particular industries were represented. There were various sub-committees for the consideration of special questions.

Q In this chapter I must also ask you, Dr. Buchtafisch, did the Economic Group have any duty to render information to the authorities that the Government asked for?

A Yes, of course the Economic Groups when they were approached by Government agencies had to give information, and this was even extended to every enterprise. Every firm had to do that.

Q Could you please explain briefly to the tribunal how it came about that you became the deputy chief of the Economic Group when the war broke out?

A At the outbreak of the war the Director of the Economic Group resigned, that was Dr. Fischer. He was called to the Ministry of Economics as Chief of the Mineral Oils Department. The members of the Economic Group considered it expedient and desired to have me take over Dr. Fischer's office, and by reason of his office he could appoint me his deputy, and shortly after the outbreak of the war I assumed charge of the Economic group. That is to say, on an honorary basis, as it had been handled up to that time, since the main business manager retained his position and was in charge of it actually.

Q Did the Economic Group receive any particular tasks to fulfill during the war?

A No, for the Economic Group after Pauls nothing generally was changed. They had only to submit to the Economic Ministry the production figures that they compiled at regular intervals, and they in turn were given figures from the Economic Ministry. That was done by the Mineral Oils Department in the Economic Ministry and they had to turn that over to the member. Nothing was fundamentally changed in the task of the Economic Group.

Q Did the Economic Group have anything to do with the distribution of commodities?

A No, that was not its task. There was a so-called central agency where all the firms were consolidated - Zentralbuero - and that had to deal with these matters.

Q This would conclude your examination about positions you held outside of Farben. I have one more question I would like to put. You were an honorary associate of Professor Krouch in the G.E. Chem office, and he had a leading position in the Vorstand of Farben before he left; that is to say he was well known to you personally. Did you during this period when you held the position as honorary associate have an opportunity to have any conversations with Professor Krouch from which you might have concluded that eventual or possible aggressive intentions were harbored by the Government, from which you might have concluded that Professor Krouch might have known of such intentions?

A No. Of course, I talked frequently to Professor Krouch and he consulted me in various technical questions about hydrogenation, but in none of these conversations did I ever gain the impression that in any form anything was being undertaken in the Mineral Oil field to prepare a war or a war of aggression. On the contrary, Professor Krouch always expressed to me that our consumption of mineral oil was extremely high and that in the further development of our production we should endeavor to meet these demands as far as possible. There was never any mention made of war or war-like intentions in these conversations with Professor Krouch. Furthermore, Professor Krouch restricted himself to this particular field.

Q Dr. Rustafisch, I want to put to you several documents from the Prosecution's Book 26. These are documents NI 355, 358, and 357, which bear Prosecution Exhibit Nos. 525, 526, and 527 respectively. These are to be found on pages 109, 112, and 11 of the English document book respectively.

A. Why I have these documents, please? I couldn't follow what you said. I can make the following brief statement. This was an exceptional treatment of mineral oil with the levy for the promotion of exports. This is a document which I learned of only here in the files. I didn't know about it previously. It emanates from the Economic Group Chemical Industry, and as far as I can see it refers to petroleum and its distillates. These are products employed in chemistry and which the Economic Group Inter-Fuels is passing on to the Economic Group Chemical Industry. This was the promotion of exports.

Excuse me if I interrupt you. Could you please explain what the levy for the promotion of exports actually meant?

A. In Germany certain productions were subject to certain levies for export, and they were to be used for promotion of export. I don't know any details since I didn't concern myself, and therefore I can also say about these documents, this thing concerned the producers of the coking — benzol, and they refused to pay this levy for the export; that is quite understandable because they had to preserve their raw materials so that they wouldn't suffer any loss. That was the emergency prevailing in the mineral oil industry generally. This has nothing to do with any regulations or provisions for the assistance of the mineral oil industry.

Q. Why I ask you to comment about the speech that you made in 1938 to the workers and employees of the Leuna plant? Document ME-5530, Prosecution Exhibit 514, refers to that. It is to be found in Document Book 26 on page 32 of the English. Will you please explain briefly to the tribunal what the reason was for this speech?

A. It was customary generally on certain legal holidays for the plant leaders or the leader of the enterprise to make a speech to the workers. On this occasion cited here, Dr. Schneider was absent and asked me to address the workers and employees with a few words, and I did that. And what is stated here in the document I consider correct. I still consider correct what I said then. I mentioned that in the year 1933 the

Reich Government had given me certain instructions or directives to expand our gasoline production. That was the effect of the contract according to which we had obligated ourselves to produce 350,000 tons of gasoline. I reminded the workers of the days when we had much unemployment, when we had to dismiss people from work. The tenor of this speech was to awaken the enthusiasm of the people for our work. I said that the development of the industry had taken large proportions; that is to say, we had greatly expanded our production. That is a fact that one could not overlook and I just told that to the workers. That I said there I do not consider a political speech. It is something that I can certainly stand up for.

Q. I have to ask you, Dr. Berta, were you concerned with the purchase of large amounts of gasoline and tetra-ethyl lead? This purchase has been mentioned in various documents of the prosecution, NI 4690, Prosecution Exhibit 731, in Document Book 39 and on page 79; NI 4922, Exhibit 732, also in document Book 39, of the Prosecution, on page 93; and NI 4831, Prosecution Exhibit 733, in Document Book 39, page 113 of the English. I shall not put these documents to you since it is sufficient if you comment generally about the entire question. As I said, it concerns the purchase of gasoline and tetra-ethyl lead.

A. No, I had nothing to do with these things. I didn't learn of them either. These are matters that were handled directly with the government. Gentlemen of Furber probably were called in on it, but neither Ted nor the Vorstand or Sparte I never heard reports about this matter. I had nothing to do with it.

Q. In summary I want to ask you about this entire subject. On the basis of your experiences and observations that you gathered in Furber, and also in your collaboration in the acquainted enterprises, ERABAG, Poolitz and so on, on this basis of your information could you conclude as to aggressive war-like intentions, or general war-like intentions?

A. No, I stated that essentially I concerned myself with the mineral oil field and the nitrogen sector. I saw what was done in that field and what was constructed, but I must say that I considered it impossible to conclude on the basis of this production that was was going to come about in Germany. I have clarified that in the aviation gasoline field, and I must say that any technical man who had any insight into this field had to be quite clear that it would have been nonsense to start a war if the basic necessities were even missing, and technical men in the mineral oil field had to know that first of all.

Q. That brings me to Prosecution Document NI-6235, Exhibit 261, in Prosecution document book 9 on page 104 of the English. This is a document also containing your own affidavit that you gave to the prosecution before this trial began. I want to put a question to you. It says in this document, "In 1935 or 1936 it had become clear that the aim of the National-Socialist economic and military policy in Germany was to create an almost complete autarchy in Germany. Since the invasion of Czechoslovakia by the Germans, in March 1939, I was clear about the fact that the military policy might be oriented towards bringing about a war of aggression. Without the production of Farbon in the fields of synthetic rubber, fuel and magnesium it would have been impossible for Germany to wage a war." Dr. Baerfishh, would you please comment on the statement I have just made to you?

A. This document is a condensation of an interrogation which took place here. If one compares this summarization which I did not write, with NI-6637 which is what I actually said, then this summarization might be recognized as distorting the sense of what I said. I said that it might be oriented, or it might be directed towards bringing about a war of aggression. In the statement -- in my own statement I said, "After Czechoslovakia was occupied by the Germans, I said 'I hope he will stay clear of this'." And when I said "he" I meant Hitler, "because otherwise one is certainly going to stop him. He is going to burn his fingers otherwise." That was my opinion at the time. I considered that bluff policy and I always considered that the foreign countries should not permit such measures. The document further says that "without Farbon and without Farbon's production, in particular in the field of synthetic rubber, fuels, and magnesium one could not have waged a war." From the document it can be seen that during the interrogation I did not mention magnesium at all. When I was asked whether one could wage a war without gasoline and without rubber, I probably said, "No, that I consider impossible", and I think

that is a simple truism. This is all applied to Farben, and of course one can extend this question to Farben, but I didn't intend to say by that, as apparently it has been interpreted by the Prosecution, that because I said this I believed we were producing rubber and gasoline to wage a war. I was merely asked abstract or academic question, "Can one wage a war without such products?" I want to emphasize something else only briefly. From the document this also says I was present at the meeting where Dr. Schneider concluded with the words, "This is war". Again I must point to Document 8637. From this entire conversation that I had with the interrogator, it can be seen that we were in disagreement about the dates, was it on the 25th of August, 1939, or on the 29th; was it the first or the third of September? I had no documents to aid my memory and therefore I made a mistake as to the dates, but at any rate I must say that Dr. Schneider did not say, "This is war" before there was actually war. And apart of that, I said in this document that Dr. Schneider didn't make any speeches, for he was not that sort of person. He merely said after the war had broken out, "Now there is war. Everybody had to do his duty." That is as I remember it. I don't know if I am to compare this document HI-8637 with the summarization, but at any rate during this interrogation I merely gave my opinion and I don't think that those things really contradict each other.

MR. SPEECHER: On that point I just wanted to ask for some clarification from either Dr. Flacksner or the witness. Is the interrogation to which the witness has been referring in evidence?

DR. FLACKSNER: Yes. That is in your Document Book Number 3 on page 13 of the English Text. That's been offered by you. This is NI-6637, and the Exhibit Number is 29.

THE WITNESS: This is the long interrogation.

MR. SPEECHER: I just wanted to be sure that it was in evidence in view of what the witness said.

THE PRESIDENT: Very well, go along with the examination.

BY DR. FLACKSNER:

Q. Mr. Buotafisch, may I ask you once more in summary, according to the best of your memory today, the Document NI-6637 contains an essentially correct representation of your conversation that you had with the interrogator; but the other document, Exhibit 261, which is NI-6235, which is the condemnation which was made the basis of the affidavit, as far as it deviates from the document mentioned previously is not correct, is that your opinion?

A. I must say that when this condemnation was made, I didn't have the benefit of the original interrogation, and I was told, "This is essentially what you have said." I then read over NI-6235 once more, and I remarked, "Well, I don't know if I actually made those particular statements." I said a few words which might perhaps be changed, but since they only mention certain things conditionally, I did sign it; but I did make the reservation that I said, "These are only generalities." And in Document NI-6637 I did express that the individual dates of these events could not possibly be in my memory. I said I couldn't say whether it was the first or the third of September, but all this can be seen from the interrogation. For instance, the word "war of aggression" is mentioned in the document, but in my vocabulary I didn't have such a word at all up to that time. I didn't know this concept as it is being used here. That is all the comment that I have to make on this document.

Q. Thank you, it is sufficient. Let us briefly turn to another document, that is, NI-7133, Prosecution's Exhibit 1074.

DR. FLAEBCHNER: Your Honors, unfortunately I am not able to give you the reference of the book. Perhaps Mr. Sprecher can help me. This is in Book 52 on page 28.

BY DR. FLAEBCHNER:

Q. This document refers to a conversation that took place with the Inspectorate of Military Economy in Vienna in 1938, and where projects of nitrogen and hydrogenation plants allegedly were discussed. Have you that document before you?

A. No. I have read it; I know what it is. I can say that after I read this document in the Prosecution's evidence, I remember that around that time I was in Vienna at the invitation of the Advisory Agencies for Nitrogen with whom we had friendly contact, and that at that occasion I looked at oil fields around Vienna and that I also wanted to visit the coal fields. For that purpose one needed a so-called "pass". I know that I talked to Dr. Schaller to get such a pass with the Military Economy Inspectorate. At that office there was a young captain who received me in a very friendly way who gave me such a pass. I think he probably asked me what else I was doing, and I certainly told him something about nitrogen and gasoline. This probably was the cause for the young captain to make some indication on the pass about military economic affairs; but I didn't read it. I don't know what could have given this captain the right to make such notes. At any rate, I didn't discuss my projects with him. I don't believe that I would have discussed such things with a captain because he was only a young man, 25 or 26. He had been made a captain only during the war. I don't know how this note actually originated. I saw it here for the first time. I didn't have any intentions of drawing up projects of hydrogenation plants on a coal basis. This note is irrational anyway because everybody knows that the Austrian coal is only of archaic interest. There is much petrification in this coal that is interesting from a scientific point of view, but that had nothing to do

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with industry. At any rate, that coal has nothing to do with industry that he mentioned.

Q. The last document that I am going to discuss with you is the so-called Japan contract. That is Prosecution's Document 6925, Exhibit 1055 in Prosecution's Book 51. That is the document that was handed in subsequently by the Prosecution unbound. The Trial Brief says about this document that one could see from it how Farben adapted itself to the policies of the Reich Government because in 1945 it still negotiated and concluded a contract with the Imperial Japanese Army for the large tasks brought about by the new order in the world and for the mutual achievement of the large aims.

Dr. Buctofisch, that is contained in a memorandum that was enclosed in this contract. It is true that this memorandum is signed by you and Dr. Pier. Please tell the Tribunal what brought this preamble about in this contract and what its significance is?

A. The Japan contract has a long history, dating far back before the war that we discussed together with the Standard Oil. During the war, Japan constantly tried to get a license by us on hydrogenation plants. We told the Japanese quite clearly that we didn't have the patent rights on these fields, that they belonged to the International Hydrogenation Patents Company. I don't want to go into the individual difficulties that arose during those negotiations because we had a strong negative attitude, and we didn't want to give the hydrogenation process to the Japanese, not perhaps because we saw any political possibilities, but merely because the Japanese had developed their own hydrogenation process and because we were of the opinion that they really didn't need our processes at all. Thus, these negotiations about the Japan contract dragged out for a very long time, and only as a result of government pressure at the end of 1944 we fixed the text of the technical part of the contract, and this technical part was worked out in Ludwigshafen. It was investigated technically and also by the contract agency. When this contract was to be signed in Berlin finally at the request of the foreign

ministries of both countries concerned, it was demanded that a preamble be included in the contract as this Prosecution document contains it. The gentlemen who participated in these negotiations said, "This has nothing to do with the contract. We don't want to have it included." And only as a result of our request, this preamble that was demanded by the governments, was put in front of the contract. Of course, during these negotiations at which, by the way, government representatives were present, one couldn't say, "Well, I am not going to sign the preamble," but Farben and I had nothing to do with this preamble. That was a clear order of the government, an addition which we could not evade.

Q. I understand you, Dr. Bucofisch, that you say that this memorandum was put before the contract?

A. Yes, as far as I remember, the memorandum was separated from the contract because we said, "It doesn't belong in the contract. That contains only technical and legal texts, and the provisions for payment, and so on."

Q. That was a compromise this way out of the preamble?

A. Yes, it was a compromise. We said we didn't want to have it included in the contract.

DR. FLAENGER: Mr. President, may I offer several documents in connection with this chapter. From my Document Book Number 5, beginning on page 15-A, I offer Bucofisch Document Number 278. This is a compilation of the organization of Industry Economy, from a professional handbook. This I offer under Exhibit Number 93.

The next document on page 16 contains a circular letter of the Economic Group Motor Fuel Industry. This is Bucofisch Document 241. I ask that it be marked with Exhibit Number 94.

The next document is an affidavit of Friedrich Wilhelm Ziervogel. This is Bucofisch Document 247, an identification and certification of the previous document. This will be marked with Exhibit Number 95.

The next document is Bucofisch Document Number 44, an affidavit of the Main Business Manager of the Economic Group Motor Fuel Industry of the 15th of January 1948. I ask that it be accepted as Exhibit 96.

Mr. President, I now offer photostats of certain charts which unfortunately could not be finished previously. I should be grateful to the Tribunal if this list could be appended to the document in the document book.

THE PRESIDENT: Dr. Flaeschner, is that to be a part of your Exhibit 96, or is it to have an independent number?

DR. FLAESCHNER: Mr. President, it is a component part of Exhibit 96.

THE PRESIDENT: Very well, we will add it to our book then.

DR. FLAESCHNER: Your Honors, the next document is Bueteifisch Number 43 on page 23 of the book. This is an affidavit again of Friedrich Wilhelm Ziervogel. It contains a description of the legal tasks of the Economic Group. I ask that it be marked with Exhibit 97.

The next document is Bueteifisch Number 33, an affidavit of Dr. Erich Boeder. This should be marked with Exhibit Number 98. From this affidavit it can be seen that the Economic Group was not authorized to make binding commitments, that it could not issue regulations for extensions or new constructions, and that allocation questions did not come within its scope of responsibility.

The next document is an affidavit of Kurt Haver. It is Bueteifisch Document Number 35, and it is to be marked with Exhibit Number 99. This refers to the Working Community (Arbeitsgemeinschaft). On page 33 of the document book, Your Honors, you will find an affidavit of Dr. Klockmann. This is Bueteifisch Document 234, and this will receive Exhibit Number 100. Again this refers to the Working Community.

On page 34 of the Document Book there is an affidavit of Mr. Walter Rosenkrantz. This is Bueteifisch Document 223, and it will become Exhibit 101. This affidavit describes the organization of the Mineral oil Industry in the government.

On page 36 of the Document Book there is another affidavit of

Walter Rosenkrantz which is Buotefisch Document 225 and will get Exhibit 102.

On page 39 of the Document Book, there is Buotefisch Document 66. This is an affidavit of Dr. Ringer about the conclusion of the Japan contract. This will bear Exhibit 103.

On page 43 there is an affidavit of Dr. Wolfgang Jaschl. This is Buotefisch Document 67, and it will be marked as Exhibit 104.

On page 46, an affidavit of Dr. William Hahn, Buotefisch Document 68, which will be marked with Exhibit 105. All of these three documents refer to the Japan contract and its conclusion. I refer in particular to the latter affidavit from which it can be seen that the IG Farben Industry at any rate had no interest in the conclusion of this contract.

Mr. President, in connection with the subject I just dismissed with Buotefisch, his visit in Vienna, I have one more affidavit of Mr. Guenther Schiller that has not yet been mimeographed and I can offer only for identification at this time, or would you rather want me to have me produce this at a later time in a supplement?

THE PRESIDENT: Would you rather have it submitted in connection with the documents which you have just presented?

DR. FLAACHNER: Yes, it really fits in here.

THE PRESIDENT: Well, then, let's list it as offered for identification only, and then you may make your offer as soon as the document is processed and available for counsel.

MR. SPEECHER: Well, if Dr. Flaachner will say that he will get me a copy shortly, he can mark it in now, and we will have no objection unless there is something special.

THE PRESIDENT: Very well.

DR. FLAACHNER: May I then offer Buotefisch Document 314, an affidavit of Dr. Guenther Schiller which I offer as Exhibit Number 106. This refers to Buotefisch's visit in Vienna.

THE PRESIDENT: Don't forget to see that we are furnished copies of that.

DR. FLASCHNER: Yes, Mr. President.

BY DR. FLASCHNER:

Q. Dr. Buotofisch, I now turn to another subject, referring to the assertion of the Prosecution that the exchange of experiences were intentionally concealed. First I have a preliminary question. In your Sparte were you personally concerned with the exchange of experiences and with the granting of licenses?

A. I have to say this. The technical exchange of experiences, that is, the contractual commitments that Farben had entered into in the nitrogen field and acetone field was an affair of the Sparte. The leadership of the Sparte and the gentlemen charged with it had the responsibility for this affair. I stated that until 1936 the Sparte was directed by Dr. Krauch, then, it was subordinated to Dr. Schneider; that is to say, all granting of licenses, exchanges of experiences were under the responsibility of the leaders of the Sparte. From 1937 on I bore full responsibility for the exchange of experiences in the mineral oil field because I was Vorstand member. Of course, in that connection I generally informed the leaders of the Sparte, but I had the responsibility. For the work, of course, since it was a very voluminous task, I had the necessary assistants whom I shall mention later, if I may. One must differentiate between the granting of licenses and an exchange of experiences. One must also differentiate between the various fields; in the nitrogen sector licenses were granted to foreign countries, and I assume that is what you are asking me about. This was discussed at the Sparte meetings or the Sparte technical committee meetings. In the nitrogen field we had general commitments entered into by Farben with the German-English-Norwegian group. If therefore, licenses were demanded by foreign countries, we had to consider the interests of the German-English-Norwegian group first. The

decisions as to what was to be done were always taken within the Sparto, and the Sparto office handled formal arrangements. In the methanol field -- one minute, I just say that in the nitrogen field we always granted licenses to foreign countries even during the war.

Q. Can you tell the Tribunal approximately --

THE PRESIDENT: Dr. Flacchener, let's suspend at this time for our morning recess. The Tribunal will rise.

(A recess was taken.)

THE NATHAL: The Tribunal is again in session.

THE PRESIDENT: Dr. Flachsenner, may I interrupt you for one moment to say that tomorrow, we shall have to give up our courtroom again to another Tribunal. Arrangements have been made that we will hold our sessions tomorrow at the regular time in Courtroom III, that is Room 295 in this building, on another corridor on this same floor, where we were once before. You may go on.

BY DR. FLACHSNER:

Q. Dr. Burtolisch, before the recess, we had been speaking of the amount of licenses granted to foreign countries in the nitrogen field. Would you please tell the Tribunal how many of such licenses were given to foreign countries, approximately?

A. In the field of nitrogen, throughout the entire time — I am now speaking of the time from 1933 to 1939 — we currently gave licenses in the nitrogen field to foreign countries. I would say there were approximately 40-50 licenses in all possible fields which concerned nitrogen.

Q. You were mentioning the German-Anglo-Norwegian group of nitrogen. Were licenses also given to the United States of America?

A. Yes. To be very clear, the German-Anglo-Norwegian group was a group which not only exchanged licenses, but also know-how. Naturally we also gave licenses to the United States, the entire group, that is, England and Germany as well as Germany itself. I no longer recall the details and the exact process which was licensed there, but I do know that in the year of 1939 and in the year of 1940, negotiations were carried on with the United States about the granting of licenses, I think it was Hercules powder. We discussed about the methane split process, and I am sure that licenses were granted in all those fields, and that negotiations were carried on quite normally.

DR. FLACHSNER: Your Honor, with respect to the subject we just

mentioned; namely, the exchange of know-how in the nitrogen field and the giving up of licenses, I should like to submit the documents contained at the end of document book 5. I should like to submit them in one group. This is document Burtafisch 105 on Page 49; This will be Exhibit 107. Burtafisch 48, on Page 56 of the book, will become Exhibit 108. Burtafisch 36 on Page 58 of the book will become Exhibit 109. Burtafisch 37 on page 68 of the book will become Exhibit 110. Burtafisch 38 on Page 69 of the book will become Exhibit 111. Document 39 on Page 72 will become Exhibit 112. Document 98 on Page 75 of the document book will become Exhibit 113. In addition to these documents, Your Honor, I should like to submit some documents from book 6. These are the first documents in book 6, which I should like to submit in one group.

THE PRESIDENT: Dr. Flackner, I just now noticed in my book 6 that my index is in German. The book proper: part of it is in German.

JUDGE LIMPIS: The same here, part German, part English.

THE PRESIDENT: Now, the exchange has been made and we are all right.

DR. BURTAFISCH: We have Burtafisch No. 117 on Page 1. I am just told, Your Honor, that the document to which I assigned No. 113 has already been submitted before. It therefore does not have to be given a special exhibit number for the second time. It is the last document in book 5.

THE PRESIDENT: What is the number that the document already bears, -the exhibit number?

DR. FLACKNER: It has already been offered as Exhibit 66, Your Honor.

THE PRESIDENT: Then, to make the record straight, your Burtafisch document 98, found on page 75 of your book 5, is already in evidence as your Exhibit 66, and the number previously assigned to it of 113 is now

free for use on another document.

DR. FLAUSCHKE: The first document in document book 6, Your Honor, is Buotofisch 117. It will receive Exhibit No. 113. The next document Buotofisch 54, is already before the Tribunal as Buotofisch Exhibit 50. The next document, Buotofisch 32, has already been submitted by Dr. Von Klorien's defense counsel.

The next document, Bueterfisch 274, will receive number

THE PRESIDENT: Just a moment, please. This Bueterfisch Document 32, do we understand, is already in evidence? Can you give us the Document number?

DR. FLAEBCHNER: Yes.

THE PRESIDENT: Can you give us the Exhibit number?

DR. FLAEBCHNER: It is von Knieriem Number 15.

THE PRESIDENT: Are you wishing to have a number assigned for your defendant since you have it in this book?

DR. FLAEBCHNER: I think that would be advisable, your Honor.

THE PRESIDENT: Then let us give you Document 32, found on page 7 of your Book 6, Bueterfisch Number 114.

DR. FLAEBCHNER: Very well, 114.

The next document, Bueterfisch 274, will receive Exhibit Number 115.

The next document, Bueterfisch 118, is already in evidence as Exhibit 56.

The next document, Bueterfisch 267, on page 13 of the Book, will receive Exhibit Number 116.

The next document, Bueterfisch 289, on page 17 of the Book, will receive Number 117.

Document Bueterfisch 49, on page 20, already has Exhibit Number 42.

The next document, Bueterfisch 227, on page 22, will receive Exhibit Number 118.

The next document is Bueterfisch 25, on page 23. This will receive Exhibit Number 120.

I'm now going to distribute the Annex to that document. Would you please affix this chart to page 69 of the Document Book?

DIRECT EXAMINATION (continued)

HEINRICH BUSTEFISCH

BY DR. FLAUGHER:

Q Dr. Bustefisch, you were saying before that there were particular methods in the oil field for the exchange and surrender of experiences. Would you please explain this to the Tribunal?

A I think that one can not speak of special methods, but one can only speak of an exchange of experiences as it has been laid down between the partners by contract. Let me here refer to Dr. von Knieriem's statement in this courtroom. He pointed out that between Farben and Standard Oil a number of contracts had been concluded. In those contracts an exchange of experiences, in addition to the surrender of patents, had been provided. The entire contract system between Standard Oil and Farben is very varied, seen from the legal point of view alone. However, we always maintained the principle in our relation to our American partners by saying that a contract always works well whenever it has not to be investigated after it is in execution but can merely be put into the drawer of the desk. The execution of these contracts was the task and the job of the technical men. From the technical point of view, the most important thing was the exchange of experiences. The contracts could only succeed properly if a mutual exchange of experiences by the partners was assured in order to promote the entire problem of mineral oil. Initially, I have already mentioned that on our part we did not consider this matter from a narrowminded national point of view, but in the entire chemistry of mineral oil and coal we saw a world economic problem. Furthermore, I mentioned that that too was the view of our partners. The contracts which we concluded with Standard Oil go back to 1927. In the years up to 1939 further contracts were currently concluded in the fields joining the

the mineral oil field in order to expand the mineral oil problem. A number of such of these contracts fall under the concept of the first large scale contract. The last contracts to be concluded had a certain independency in themselves, even if they were only a continuation of the large Farben program to influence mineral economy chemically.

Q. Could you briefly name some of the most important contracts to the Tribunal?

A. Well, we have a number of contracts. The first big contract—and I should only like to mention those contracts where we had an exchange of experiences because we are interested in that here — was the so-called Four Party Agreement. The second contract which also dealt with the distribution of experiences was the so-called Division of Field Agreement. A further contract was the Jasco Agreement, about which mention has been made here. From these specific mineral oil point of view, we had the Paraffineral Agreement. In the same way, there was the Oppanol Agreement. Then we had the I.G. Polycos-Agreement. And we had the Junk Agreement mentioned here. Then we had the Universal Polyhydro-Agreement. Finally, there were two big fields: the Hydrocarbon Synthesis Agreement and the Catalytic Refining Arrangement. These are the most essential agreements which we concluded with Standard Oil from 1927 up to 1939. I may even include the beginning of the year 1940.

Q. Dr. Buchisch, since you since 1937 were responsible for exchange of experiences in your Sparte, I should like to ask you to plastically describe to the Tribunal how in practice an exchange of experiences was carried out. I don't expect you to give us any legal explanations, but do tell us how the gentlemen got together and how this, in effect, was carried out.

A After the contracts had been concluded by the parties and after we had become clear that such contract could actually survive and live if there was an exchange of experiences, the technical men met. Every technical man knows that an exchange of experiences is not a mere surrender of patents and an occasional information as to how a patent is realized in practice by describing how the process is built up. The true exchange of experience is a meeting of the technical experts and a mutual demonstration of their work in order that the technical experts may gain an insight into all the development which had preceded the problem and a meeting where the actual problem was discussed. Therefore, from the very beginning we chose the method, and that was mainly initiated from the American point of view, to visit each other in our respective plants and where we studied at the respective plants what process would come in question for our exchange of experience under the agreement. That can not be handled by one technical expert; many are necessary. I might say that up to the year of 1939 we had a number of visitors from foreign countries, mainly from the United States, England, and Holland. There were twenty-five gentlemen present per year on the average, with whom we collaborated. They didn't stay here for one day; they stayed for months — for half a year sometimes. And together with us they started the work which were our aim for the development of mineral oil economy. The exchange of experience was handled on this basis. It was handled by use of the progress which was made by one or the other in the field. We, also went to the United States. In the case of such an exchange of experience not only that is surrendered which in the end did lead to success but for a technical expert who understands something about his subject that exchange of experience is most important which shows him what type of work do not lead to success. If I receive a patent, for instance, I tried hundreds and hundreds of times before to see how the patent could not be executed, but I learned from that the method by which I proceed and the trend which will lead to success. Our exchange of experiences with Americans was built up upon this very basis. We mutually discussed our

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worries and ideas and our opinions. That is the know-how how I understand it. Naturally, beyond that one may surrender the know-how of a patent which was already known by publication and which merely had been transferred or which could already be demonstrated by a completed process. This resulted of course in a very intensive and very close collaboration which lead to many a scientific and technical friendships. Many gentlemen were able to get to other and discuss their mutual field of work. Basically, I must say that as long as I was responsibly in charge for exchange of experiences I didn't impose at one time any limitations upon my associates to withhold anything in themselves of this change of experiences. Naturally, on the other hand, I told my associates as far as they were not informed by the legal provision that military secrets could not be included into exchange of experiences.

A.- I shall revert to that point later. Dr. Buefisch, one preliminary question. The exchange of experience as you have just described it to us -- was that merely carried out by your associates or did you also personally participate in such work?

A.- As far as I found time I naturally concerned myself with this highly interesting field, because in the final analysis this was my life task. It was clear, however, that in view of my position I had a number of first class associates who essentially had to carry out the work -- Dr. Pier, Dr. Ringer, and many others whom I need not mention here. I personally attended many meetings where exchanges of experiences were discussed and I was often in charge of such meetings. For instance, when in 1937 I took over the exchange of experiences with Standard Oil, I went to the United States and there I visited the plants of Standard Oil and we had a number of very fruitful discussions there. I spent a number of days in the Baton Rouge plant and then we had further discussions at New Orleans and in New York. And since the hydrogenation was at that stage already concluded, I started to tackle two large fields upon the suggestion of the gentlemen there and also upon our instigation which resulted in the big Hydrocarbon Synthetic field and the Catalytic Refining Arrangement. These are contracts which developed in the years 1938 and 1939 and which, in connection with the old contracts, formed a new big series of contracts which from a legal point of view made the entire corporation very complicated, but, on the other hand, served progress in the mineral oil economy, particularly since we found out that it would be very advantageous for the United States to gain experiences in the field of the earth gas processing, and to gain experiences in the variations of the hydrogenation process which we had already surrendered to the Standard Oil, that would bring us to a new large field -- the catalytic cracking processes -- and we thought that we had a number of experiences in that field. This should play a considerable part in the United States for their processing of heavy oils. In Buefisch 300 --

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that is the chart which was submitted — we see how complicated the obligations were individually.

DR. FLECHSMER: One moment. Your Honor, this is the chart which I handed to the Tribunal a little while ago and which was to be affixed to page 69 of the Document Book. This is an excerpt of Howard's book called "Buna Rubber."

A.— From this chart we see what the individual branch's obligations were in the mineral oil field and that Standard Oil and Farben were collaborating in this field and that this process was again given up to eighteen American firms. We see how Standard was tied up with Royal Dutch and how on the other side the Hydrocarbon Synthesis process, the so-called Fischer process, was again connected with the entire mineral industry of the world. The Catalytic Refining Arrangement is not even mentioned yet. This big contract, or, rather, these last two big contracts — the Hydrocarbon Synthesis field and the Catalytic Refining Arrangement — were not only confined to Standard Oil, but a number of American oil firms participated in this field. In addition to the Shell group and Standard Oil there participated in the Hydrocarbon Synthesis field, the Kellogg Company, the Hydrocarbon Synthesis Group, the Ruhr-Chemie and Farben. The Catalytic Refining Arrangement, which only came up in 1939 — this contract only never was finally signed, enveloped practically the entire mineral industry of the world, by which I understand England and America. In addition to Shell and Standard, we had the Texas Company, the Standard Oil of Indiana, the Kellogg Company, and the Universal Oil Group. All that in addition to Farben. To see that we have an extensive activity of the oil industry in the chemical field because one foresaw clearly that chemistry would be in a position to very economically develop the important raw material oil. That is the meaning of these contracts in which Farben participated and which we drew up very much upon the request of our partners. This, I think, is the broad basis of explanation of our exchange of expe-

periences.

Q.- Now Mr. Baotefisch, one basic question. In this field of exchange of experiences, were the contracting partners free masters as to the decisions which they were going to carry out or were other factors important in the execution of contracts for the exchange of experiences?

A.- Generally we were free partners which negotiated among each other about the chemical, technical problems, but in the case of all these contracts — and that was already stated by von Kneringer — there were limitations because the exchange of experiences and the surrender of patents could not be extended to fields which had military secrets or which Governments wanted to be withheld for some reason. This, however, was stipulated in the contracts and the partners were quite in agreement on this point.

Q.- Dr. Baotefisch, as I correct in understanding you to say that even though such official limitations did exist the close collaboration between the contracting parties was not limited essentially?

A.- I think that I have explained here that we are concerned with big fields; we are not concerned with the mere surrender of the small patent. If we consider the Catalytic Cracking field or the hydrogenation field and if the authorities take out a little part of that field which is important for military purposes, then that really doesn't break up the contract. The technical expert knows very well that the big field can only be promoted if there is collaboration and he also knows that a little stone taken out of the entire structure has nothing to do with the actual promotion of the entire field, and that is exactly how it happened. We know that in 1935 or 1936 Standard Oil told us, "We are sorry; we can't give you any more experiences in the hydrogenation field because of our aviation programs. We have been asked to do that by our Government," We acknowledged that fact. In the same way we had about a similar limitation in the field of lubricating oil. I think that was in 1934 or 1935. But that did not really interfere with the large scale field of experiences. In any way, both partners were well aware of this fact and both acted accordingly.

Q. Didn't one even go further in the field of exchange of experiences, and I mean the connection between Farben and Standard Oil, and weren't projects worked out with reference to mutual planning in this hydrogenation field you mentioned?

A. Yes, certainly. At Eschitz for instance we worked together with Shell Oil in the hydrogenation of oil. That was included in our contracts. We also exchanged our experiences in the field of hydrocarbon synthesis and catalytic refining arrangement. We even surrendered our processes before the contracts had been concluded in those fields. In 1939, and that I remember exactly, we worked out plans in order to construct a plant at Hamburg together with Standard in order to carry out the catalytic cracking experience. This was supposed to be done through oil stocks which were to be delivered by Standard Oil. All these projects were planned together with the gentlemen of Standard Oil. The very latest experiences and information which we had were exchanged in this field.

Q. If the authorities tried to limit the exchange of experiences for any reason at all, did you, on your part, try to intervene in order that you may be permitted to continue the exchange of experiences? Did you try to dissuade the authorities so that you could come up to your contractual obligations?

A. Yes, that was one of my tasks. It had to be considered whether these were military secrets or prohibitions by the State. There must have been someone there to cover one's associate. I must say that it isn't very easy to explain to the authorities what the exchange of experiences meant and what actually is being surrendered. For instance, my associate, Dr. Ringer in 1936 or 1937 took this ethylene lubricating oil to the United States with him because I said to myself that that was not really a military secret. I knew that highly graded lubricating oils were being produced in the United States in the same way. However the Luftwaffe was of a different opinion. They maintained that it was a military secret. It wasn't simple at all to protect my associate from very serious consequences which in the final analysis would have reached me too.

I must say quite frankly that in my opinion we intended no unfair acts against the government or that we intended unfairness against the government. It is very clear that if there is a prohibition against the surrender of military secrets, this has to be adhered to. It is very difficult to decide what a military secret actually is and that is something which has to be left up to the technical expert to decide.

Q. Now, Dr. Boutevich, I should like to put a number of Prosecution documents to you. First, Exhibit 971, Prosecution Document NI 10463. You will find that in Document Book 42, English page 167. Have you got that before you?

A. No, I have to pick it up. Yes.

Q. Will you please say something about that document.

A. I didn't hear the number. What document are you referring to?

Q. These are a series of documents and in order to save time you could deal with all of them together. The first is 10463, Prosecution Exhibit 971, Document Book 42, English page 167, German page 164. The next document is NI 10464, Prosecution Exhibit 972, Document Book 42, English page 169, German page 166. The next document is NI 10467, Prosecution Exhibit 975, Document Book 42, English page 163, German page 160. These are three documents which were submitted by the prosecution and which concern limitations of the exchange of experience. Would you please briefly define your attitude with respect to these documents.

A. The first document, referring to 10463, which is the catalytic trading process, shows that we endeavored to receive the approval of the Wehrmacht to conclude the agreement. The Wehrmacht approved the contract and added that the necessity of secrecy would have to be investigated and it would have to be seen whether it was in the interests of national defense. That is nothing unusual, but that is in line with the customary channels in which these matters were handled. The partners were affected in the same way and I have already explained that. We were here concerned with a new field and a new field had to be basically approved because I, after all, had to cover my collaborators.

Let us not forget that particularly in the field of international cooperation there are many chemical men with the staffs of these large scale plants who were of a different opinion. They may have said, "We don't want any international exchange of experiences." Very often, and this has to be said unfortunately, they were inclined to denounce their associates, and it was my responsibility to protect my associates. That is why every contract quite automatically had to be discussed with the authorities.

Q. Before leaving this document, would you please briefly explain to the Tribunal how large, according to your estimate, the number of patents were which finally were declared by the authorities as being subject to the obligations of secrecy?

A. As far as I remember in the course of our collaboration in our field, about 2,700 patents fell into that category. You have to add a number of other patents to that number, and of all those 2,700, only one percent or half a percent were said to be subject to secrecy. A very tiny percentage, which I said before, did not at all influence the large field and groups of work.

Q. Very well. Let's turn to the next document.

A. The next document refers to a trip of my associates to the United States of America in July 1939. It says here, "It is the task of the gentlemen to inform themselves about the latest status in the field of catalytic cracking processes, and to discuss with the experts of the Kellogg Company the construction basis for the DAPG Plant which I discussed before for the production of German I. Benzine." Mention is made in this letter furthermore that there should be mutual exchange of experience in the fields which are listed. Naturally, since this letter was addressed to the Reich Ministry of Aviation, and was used in order to get the exit permit for these gentlemen, it had to be pointed out that this trip was carried out in the interests of Germany and that the obligations with respect to secrecy were to be adhered to.

Q. Dr. Bantofisch, what was your attitude towards the problem of the continuation of the exchange of experiences after the war broke out in September 1939 between Germany and Great Britain. In the connection would you please look at Prosecution Exhibit Document NI 10442, Exhibit 900. This is in Prosecution Document Book 43, English page 27, German page 24. Have you got that document?

A. Yes, I have it.

7. Would you please briefly express your opinion of that document?

A. When the war broke out the exchange of experiences in the mineral oil field approached a new phase. Naturally the transfer of patents, particularly in the Jasco field, but also in the field of hydrogenation, was greatly affected and that has already been discussed by Mr. Von Marlowe. As far as the practical exchange of experience itself is concerned, I and my associates represented a point of view that we would continue the exchange of experience with the United States in the field of oil, because I personally, as well as my associates, did not think that the United States would be dragged into the war. At any rate, as long as possible I wanted to maintain our exchange of experiences which had existed for years and which had been newly formed. I didn't want to see it being broken up suddenly. That was the basic idea which moved Dr. Eager, my closest associate, and this is why he went to the Hague with reference to the question of the catalytic cracking field and the hydrocarbon synthesis field where he had negotiations with Mr. Howard. - According to Document 10467, at the beginning of the war, because of my talks with the Ministry, we had received permission to continue this exchange of experience, and we should try everything to avoid any breaking up of relations between Standard Oil and ourselves.

With respect to 10442, which you have put to me, I must say that this is a repetition of the discussion of Mr. Howard with Dr. Ringer at the Hague. Part of this discussion was mentioned by Dr. Ter Haar. Referring to my field of work, the catalytic cracking process and the other oil contracts, Mr. Howard also shared the view that both our companies, as well as other companies which were included in the catalytic refining arrangement, would be desirous of continuing that exchange of experiences. It is true that Mr. Howard, at the time, pointed out that the English Shell Group could no longer sign that contract, since Great Britain was at war with Germany. However Howard said at the time, that that would not interfere with our large scale collaboration and he agreed with us that because we couldn't carry out any visits now, we wanted to continue our exchange of experiences in a somewhat modified form. This entire situation, of course, was quite new to me. I remember that Dr. Howard asked Dr. Ringer to tell me to see to it that practical way could be found and that he used the expression "Tell Dr. Rustofisch that the main problem now is how we can cross the bridge." We had to try to carry out everything which we, as technical experts, considered to be reasonable. We had to consider the situation and we had to try not to break off all connecting threads. All these considerations were to be discussed in a letter in 1941 with Mr. Howard. The date was set, and from the fixing of that date we can see that I, at least, but I think even our associates, did not think that we would have a war with the United States.

Q. The last of this series of documents is HI-10447, Prosecution Exhibit 958. This is also to be found in Prosecution Document Book 42, English page 132. This is a file note originating from you and sent to the OHR. Would you please tell us whether the contents of this file note are not in contradiction to what you said about the manner in which the exchange of experience was handled?

A. Reading the text of this file note and not knowing the accom-

purging circumstances, one may well gain this impression. This file note was written in February 1940 at a time when Germany was already five months at war. I have described our situation as it prevailed in October 1939 and I have described our discussions with Mr. Howard. It was clear that after this discussion we once more had to assure ourselves at the OKW whether we were allowed to continue our exchange of experiences and if so under what conditions. In other words in this file note the issue is the exchange of experience during the time of war. Furthermore it became apparent, from that file note, that I did not only speak on behalf of Farben, but also in behalf of Ruhrchemie, which was included in this new field of contracts-- the hydrocarbon synthesis field. At any rate we could not dare to continue our exchange of experiences on our own initiative without having received any permission. We could not continue it as it had been handled that far -- that is the exchange of letters and drawings. Up to that time the matter really didn't become very effective and an actual exchange only took place when we actually met. We had intended a meeting in 1945 with Mr. Zepori and Mr. Howard. I therefore approached the OKW -- that is, I even think that the letter had been written before that. However I am not sure, because I don't have my files here. In that letter we asked to be permitted to continue our exchange of experiences. At the time General Thomas asked me to come to him and he told me that he could not undertake the responsibility himself because an exchange of experience in wartime would be quite an important matter and demands further approval which he himself would not like to grant. He said that he personally represented the point of view that an exchange of experience, as I had suggested, could continue without any further question. But then he said to me, "You said to me that you wouldn't grant military secrets. You wouldn't transfer any military secrets. How do you know what experience contains military secrets?" I had to be prepared for that question. I said, "Well, in the final analysis that is a matter

for a technical expert to decide." I tried to explain to him what actually an exchange of experience meant. Thomas said, "This is very complicated indeed. But draw up some kind of a file note so that I can give you a decisive answer, Yes or no." And that is how this file note came about, which Thomas then reported to Gearing who said, "Very well, the exchange of experiences can be continued, but on the margin it was said that Dr. Bentafishch must be responsible to me that nothing wrong happens in this field." Naturally I had to bear the responsibility and I did tell my gentlemen that military secrets may not be sent abroad. Practically, however, when the war situation intensified, no consequences resulted from that document. I must emphasize, however, expressly, that up to the beginning of that war, I in no way imposed any limitations upon any of my associates as to our collaboration with foreign partners with whom I myself was in constant touch. The practical technical experiences were exchanged on the very basis which I mentioned before. I can not remember one case that told even a single one of my associates to discontinue this exchange. Naturally I always pointed out to them what the laws were concerning treason, but I must say that in our field I never had any reasons, that is in the mineral oil field, to express any prohibition or any specific warning.

Q Now we have to discuss one last document. That is a draft which had been made at Ludwigshafen in 1944 and was submitted by the Prosecution as EB-10451, as Exhibit 994. It is in Book 43, English Page 87. This document contains an answer about an article which appeared in the foreign professional technical publication "Petroleum Times" by Mr. Hessler. Will you please explain briefly to the Tribunal what this draft at Ludwigshafen meant?

A I can only speak technically on this file note. It contains an answer to an article which Mr. Hessler published at some time, I believe, in 1943. This article, from an American point of view and considered through our time experiences, refers to all the matters surrendered by Farber to America in the framework of the Standard Oil Agreement. Much praise was expressed for Farber about all these things which were surrendered and which could now be used for our economic purposes. From an American point of view, such an opinion can well be understood. Mr. van Knierim has already mentioned here that one feared that an article like that might become known in Germany, and that one would have to be prepared as to what answer one would give because that may look very much like treason. But in the final analysis, whenever technical experiences are being exchanged and when this flood of purely technical knowledge turns into a devilish flood of war-like executions, one can really not hold the technical expert responsible for any war-like executions of such experiences. But this will always be possible. Gasoline, on the one hand, is needed for a civilian motor car, and on the other hand it is also needed for the production of tanks and aircraft. The technical development was carried out according to the processes which we learned.

A technical man reading these things must read both articles together and then he must see that certain contradictions are contained therein. One actually said more about the other than it really deserved. As far as I am concerned, what is contained in these articles is nothing but a result of the mutual work which had been carried out during these many years. It is quite irrelevant to consider whether one party or the other gave more

or less experiences away. After all, we were only concerned with the practical success. We were only concerned with solving the world economic problem in the mineral oil field, and that is how these two articles came about, as I saw then. I didn't participate in the drawing up of these articles. I merely read them.

Q Mr. President, I should now like to submit the rest of the documents in Book VI. The document on Page 70 as given in the index is not available to me at the moment. In the original, there was a typographical error which distorted the sense of the document, and I didn't think that I was entitled to change it myself; therefore I sent the document back to the affiant and unfortunately I have not yet received it back owing to some delay in the mail. I think at the moment I cannot submit the document and I have to reserve it for some later period. If, however, the Tribunal will permit me to submit it now with the assurance of presenting the original later, I will do so.

THE PRESIDENT: I think that in view of the situation we had better give the document an exhibit number and mark it for identification until you see whether you are successful in obtaining the revised document. I assume that it will be from the same affiant if you get the affidavit.

DR. FLECHSNER: Yes.

THE PRESIDENT: Very well. Then we will give your document 270, found on Page 70 of your Book VI, the number 121 for identification.

DR. FLECHSNER: No, 121 for identification. The next document, Your Honor, will be Bustafisch 64 on Page 73. Would you please permit me in this instance to draw the attention of the Tribunal to Page 76, Paragraph 3, where it is stated, and I quote, "The foreign agreement partners frequently expressed to me their unqualified satisfaction about the way the exchange of experiences was handled and for the complete mutual trust that prevailed in the collaboration." On the next page, there is proof of the full confidence of the foreign contractual partners who concluded contracts with Farben. The contract on the hydrocarbon synthesis and the contract on the catalytic cracking field are good examples. The last paragraph

reads, and I quote, "The privileged position accorded to the Farben was based on the technical contributions expected of Farben in this sphere, and shows that right up to that time none of the foreign partners had any doubts, on the basis of their experience up till then, about the faithful and conscientious execution of the agreement as directed by Dr. Buetefisch on the part of Farben." This document will receive exhibit No. 122.

The next document will be Buetefisch 70, an affidavit of Dr. Free. You will find it on Page 84 of the Document Book. Would you please give it Exhibit No. 123. There again I draw your attention to the end of page 84 and 87. The affiant says, "From no side, not even from Dr. Buetefisch, did we receive the directive to withhold any of our research or processing work; on the contrary, we were requested to promote the entire problems by actual frank discussions."

The next document, Buetefisch 71, on Page 89 of the Document Book, is already in evidence under Buetefisch Exhibit 57. This affiant emphasizes, on Page 89, that he doesn't know of a single order by Dr. Buetefisch which in any way impeded the free exchange of experiences or the full collaboration with the foreign partners.

The next document is Buetefisch 69 on Page 91 of the Document Book. This will receive Exhibit No. 124. I should like to draw the Tribunal's attention to Page 91. Becht, the affiant, was active in the office of General Thomas, who had been mentioned by the defendant Buetefisch. He was the chief of the Raw Material Department. The affiant states here that, "In the course of the war, the offices for fuel in the Wehrmacht were making difficulties for Farben to an increasing extent in their exchange of experiences with the foreign contractual partners." He then described how Buetefisch turned to the military economic office in order to overcome these difficulties and how then General Thomas, the Chief of the Military Economic Office, wanted a file note from Buetefisch in order to use it for a report that he wanted to make to Goering. This file note was to be written in such a way that a positive decision could be brought about in the manner that Dr. Buetefisch wanted it. At the end of this affidavit, the affiant

confirms that as a result of this decision of Goering, Dr. Butefisch carried a very heavy responsibility.

The next document is an excerpt from the "Petroleum Times." This is already in evidence as von Kleriem Exhibit 16. In spite of that, in order to keep all the documents together, I should like to give it my own number, No. 125. This document is in the English language and I should merely like to draw the attention of the Tribunal to Page 97 of the document, Page 4 of the original, the beginning of the third paragraph, where it says, and I quote, "This same hydrogenation process which Germany now uses to supply over one-half of her war time use of oil was to be the key that years later unlocked the door to a lot of miracles that we didn't dream of then. It was this very process which first provided 100-octane aviation gasoline in commercial quantities." On Page 98, the affiant says, in the fourth paragraph, "Today America and her allies have huge quantities of solvol, thanks to the help of the very oil hydrogenation process that Germany originated."

THE PRESIDENT: Dr. Flaschner, if it's agreeable to you, we will rise for our luncheon at this time. Just a moment, have you anything to say?

DR. HENKE (for the defendant Oster): Mr. President, will you please excuse Dr. Oster for this afternoon in order to prepare his defense?

THE PRESIDENT: Dr. Oster may be excused. The Tribunal will now rise.
(The Tribunal recess until 1330 hours.)

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AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 9 March 1948.)

THE CLERK: The Tribunal is again in session.

THE PRESIDENT: Dr. Plaechner, will you permit me to interrupt a moment to make an announcement. We are advised by Mr. Mulroy, the commissioner who has been acting for the Tribunal in connection with the supervision of the cross-examination of Prosecution witnesses by counsel for the Defense, that he has five witnesses on his list to be cross-examined that have not been cross examined. We are also advised that counsel for the prosecution does not desire to withdraw the affidavits of these witnesses and that counsel for the defense do not desire to waive the cross-examination of these witnesses. We are further advised that one of these witnesses is in the United States; that two are in Poland; one is in Paris; and one, Dr. Struss, is presumably at Frankfurt, and he may be produced for actual cross examination. As to the other four, the Tribunal sees no way as to serving the direction to produce those witnesses in Nurnberg for actual cross-examination.

It's the view of the Tribunal that it would be proper in the light of the circumstances to ask counsel for the defense who are interested in the cross examination of these witnesses to submit interrogatories to be answered under oath and under the supervision of someone designated by the Tribunal or by the commissioner. It's further our view if counsel for the defense do not see fit to avail themselves of this privilege of submitting interrogatories, that the Tribunal will be warranted in treating the cross examination of these witnesses as conducted by the defense, with the stipulation however, that in the weighing of the testimony of the witnesses — by that I mean in the consideration of their affidavits — the Tribunal will take into account the fact that the witnesses have not been cross examined. We would prefer if counsel for the defense see fit to avail themselves of the submission of interrogatories and to have an informal conference

place with the members of the staff of defense counsel who are interested in this subject and arrange a time within which those interrogatories are to be filed with the Secretary-General so as to impose the least burden on counsel. We wish that the members of defense counsel, who are here present when this announcement is made, will advise their associates of our views on the subject and we will be glad to meet with counsel for the defendants who are concerned about these cross examinations informally and in chambers at any time they wish to talk with us about the matter. Unless we can work out something along this line, the Tribunal is disposed to enter a formal order fixing the obligations of the parties with respect to the cross examination of these witnesses.

You may continue, Dr. Flöschner.

DIRECT EXAMINATION - Continued

HEINRICH BUSTEFISCH - Resumed

BY DR. FLÖSCHNER:

Q.- Mr. President, I now turn to Bustefisch Document No. 23. That is on page 107 of Document Book VI. I ask that this be marked as Exhibit No. 126. This document is offered in respect to Prosecution's document VI-10551, Exhibit 994.

The next document on page 109 is Bustefisch Document 77. This will be exhibit No. 127.

The next document is an excerpt from the book "Runc Rubber" by Frank Howard, which begins on page 111 of my document book. This will become Bustefisch Exhibit No. 263. Mr. President, this excerpt is not identical with that excerpt presented by the Defense Counsel for the defendant von Emlerich. This excerpt has been prepared in respect to the particular field mentioned by Mr. Bustefisch, the catalytic cracking of oil, and the other contracts falling into the particular scope of the Sparte I. That is the reason why I had a special draft prepared which I offer as Exhibit 128. This is a voluminous document. Perhaps it would be helpful to the Tribunal if I might draw their attention to page 113 at the end, where it states —

MR. FREEMAN: With respect to, first, Busto-fisch Exhibit 127, Busto-fisch Document 77, we make the customary objection to a statement not under oath taken from a book which is not a contemporaneous document. With respect to Busto-fisch Exhibit 128, which counsel was just presenting, that is Busto-fisch Document 263, would like to ask counsel if Mr. Howard has given these statements under oath that are here involved.

THE PRESIDENT: Counsel for the Prosecution, we will recall the situation as it developed from excerpts of Mr. Howard's book that were offered on behalf of the defendant von Amerling in which he, in rather broad terms, verified the facts set forth in that book and also went beyond that and even embraced the material, as we recall, on the cover jacket. It seemed that that would be sufficient, having been once in the record, and this is only inferring the questions from the book with respect to the verification of this document marked Exhibit Busto-fisch 128. As to the other exhibit, 127, I'd be glad to know what you have to say about the verification of the facts contained in that book. Mr. Fleischman?

MR. FLEISCHMAN: Your Honor, the Exhibit 127 is a reproduction of the American Technical Journal for Oil and Gas wherein Mr. Haslam writes an article entitled "Standard dossier statement in Farben indictment." This journal was edited and published on the 10 of May 1947. I admit that this is not an affidavit in the form in which we customary present our evidence here. I don't offer it in order to prove the correctness of the assertions on the basis of the article. I offer this article merely to show that Mr. Haslam told the public about this and made certain statements among his colleagues at a certain time. I do not present this document as to the correctness of the statements or not. I merely want to show that he made those statements, and I believe that that is sufficiently shown by this document that he made these statements. One can, of course, dispute whether the rendering of such statements is sufficient and competent for this trial here,

and I think that a statement made to the American public in regard to this trial here, not by just anybody but after all by a person who plays a significant part in American business, that such a statement certainly has some probative value.

THE PRESIDENT: I'm afraid, Dr. Flacchener, that you pay too high a compliment and one that's altogether deserved with respect to the authenticity of quotations that from time to time appear in American publications. I have heard people say that they have been disgusted by the papers.

This objection is well-taken. We'll be obliged to sustain the objection. However, Dr. Flacchener, I'll say to you for the Tribunal that if, before the close of this case, you are able to get a verification from the man purporting to make these statements that they are his statements we'll reconsider your affidavit.

On the present showing the Tribunal will overrule the objection on Exhibit 128 and sustain the Prosecution's objection on Exhibit 127 with the reservation as to 127 that that is without prejudice to your privilege of reoffering it if you are able to obtain some proper verification of it.

DR. FLACCHENER:

Very well, Mr. President. With respect to Exhibit 128 I can tell Mr. Sprecher that von Knieriem has presented an affidavit of Mr. Frank Howard where the latter confirms that his statements in the book "Bunk Rubber" are in conformity with the truth and that statement is Knieriem's Exhibit #11. This particular document is, therefore, sufficiently certified to. Perhaps the Tribunal would turn to page 113 of Book #6. It says at the end:

"The first was that if the worst types of crude oil and tar could be converted entirely into gasoline, the oil industry would no longer need to worry about having its products get out of balance with demand."

On the same page at the bottom it says:

"The Badische process by which the entire barrel of crude oil could, if necessary, be converted into gasoline was therefore of the utmost potential value."

He continues on page 115:

"But fundamentally more important, perhaps, was a second consideration - the conversion of coal into oil. Throughout the history of the oil industry there have been recurrent crises when it seemed that crude oil reserves were dwindling dangerously. The nation was experiencing, at that time, such a crisis."

Furthermore, he says, on page 125 in the fourth paragraph:

"At this state, the thread of the synthetic rubber development crossed that of another important American technical development which has had a tremendous influence on world history. This later development was the class of super-fuels known as '100-octane gasoline'."

On page 128, he says, in the second paragraph:

"By proper control of this operation, it was found possible to convert the isobutylene present in the gases into twins and triplets; that is, di-isobutylene and tri-isobutylene. We hydrogenated the twins to make iso-octane, using the I.G. high pressure hydrogenation technique slightly modified, and decomposed the triplets back to pure isobutylene by passing them over a catalyst."

In the fourth paragraph it says:

"The first 100-octane gasoline to be sold for commercial use was made up in this way at Standard's Baton Rouge refinery in June, 1935."

May I furthermore refer your attention to 129 at the end of the first paragraph?

"Their tests indicated that 100-octane gasoline would permit roughly 20 per cent more power output, or, in the alternative, 15 per cent less gasoline consumption, in engines built to take full advantage of it."

About hydrogenation, Mr. Howard makes some statements on page 131 in the third paragraph, very much towards the end of the page, where he says:

"Hydrogenating converted low quality motor gasoline into high quality motor gasoline or into a smaller yield of aviation gasoline. The process was based upon inventions of the I.G."

At the end of page 132 it says:

"On my return to the United States in the late spring of 1939, the first order of business was another technical development in which the I.G. was actively interested, and which also played a part in the rubber drama. This was catalytic cracking."

On page 133 I want to refer to the beginning of the second paragraph which reads:

"At the same time we were trying to reconcile varying interests within a group called Catalytic Research Associates. This group included three foreign companies I.G. Farbenindustrie, the British Anglo-Indian Oil Company and the Dutch-British Royal Dutch-Shell Company; three American oil companies - the Texas Company, Standard Oil Company (Indiana) and our own company."

On page 134 at the end of the second paragraph, it says:

"By these negotiations there finally evolved the Fluid Catalytic Cracking Process, which Standard brought to successful completion."

Furthermore, I want to offer the following document which I ask to be attached to Document Book 5, and that would then conclude the presentation of documents about this chapter. This is an affidavit of Frank A. Leonard made on the 2nd of February 1948. Copies of it are already before the Tribunal, as far as I am informed. If you do not have them, then I can pass over some photostats to you if you want them.

THE PRESIDENT: We have them.

BY DR. FLAUSCHNER:

May I then mark in this exhibit as Exhibit #129? This is Bucofisch Document# 312, May I be permitted to draw the attention of the Tribunal to various points. I generally refrain from making any other quotations otherwise. On page 2 it says, in the third and fourth paragraphs.... The third paragraph reads essentially that there were regulations or directives of the German Government dealing with the export of technical information

to the foreign countries. I can see here.....I see that the pages of the copy are not numbered in the same manner in which the original is paginated. May I ask that the Tribunal be given the photostatic copy then? That would facilitate finding the spots that I refer to. I want to draw Your Honors' attention to page 2, third paragraph, which begins with the words:

"Affiant assumed that there were regulations or directives of the German government dealing with the export of technical information but is without knowledge of whether any such directives actually existed and does not recall any instance prior to September 1, 1939 in which exchange of technical information was refused by I.G. on the ground that it was incompatible with a government directive."

"For many years prior to the entry of the United States into the present war, affiant was aware of a growing feeling in the United States, Germany and elsewhere that the nationals of any country might expect intervention by their own governments in the incurrence or performance of obligations to pass to foreigners new technical inventions or discoveries of possible military or special economic importance. The first such instance which affiant recalls was on or about March 1935 when certain requests were made by the Army of the United States in connection with the maintenance of secrecy on new processes for the manufacture of aviation gasoline."

On page 4 he deals with Oppanol:

"In the case of the new product called Oppanol by I.G. and called Fantane or Vistanax by Standard, affiant personally received the first sample of this product delivered to Standard representatives and witnessed a laboratory demonstration of the production process before any commercial operations in Germany."

Then, in the second paragraph of the same page, it says:

"In the case of the process known as Hydrocarbon Synthesis, which was the I.G. development of the early Fischer-Tropsch process for synthesizing liquid hydrocarbons from mixtures of carbon monoxide and hydrogen, affiant

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recalls lengthy discussions of this process and a visit to an I.G. pilot plant which had begun but not completed a series of test runs intended to develop a basis for possible commercial operations by I.G. in Germany. Such discussions and visit long preceded any commercial operations of the I.G. improvements so far as affiant knows."

On the following page it says:

"In the case of the Hydroforming process, the basic I. G. work on the production of aromatics by the catalytic hydrogenation of liquid hydrocarbons of the gasoline type was disclosed by an early I. G. patent and discussed frequently with I. G. long before any development in the United States."

He continues in the sentence after the next:

"But although the patent disclosed the necessary basic conditions, affiant does not recall that Standard was ever informed of any German commercial operations in which the principle involved was taken advantage of to the full extent of building and operating a catalytic 'hydrogenation' plant without any hydrogen plant connected with it."

He continues further, at the end of the page, to make certain statements about the byproducts that could have been produced through this valuable process. On page 6 I want to draw your Honors' attention to the last paragraph which begins with the words:

"Referring to the agreements of 1938 between the German Ruhrchemie interests and I. G., Standard, Kellogg and the Royal Dutch-Shell interests relating to the process known as Hydrocarbon Synthesis, the technical work of I. G. in this field was useful and affiant believes it was disclosed to Standard before any commercial use in German or elsewhere. I. G. were very helpful and they assisted greatly in obtaining and correctly evaluating the technical data and experience of Ruhrchemie in this field. This hydrocarbon synthesis agreement and the technical data of I. G. supplied to Standard and to the Kellogg Company under the agreement was, in the opinion of the affiant, an important element in forming the foundation for the processes of producing gasoline from natural gas which have since been developed in the United States by the Hydrocarbon Research Corporation, by Standard and by the Kellogg Company."

On page 7 he makes statements about the hydrocarbon synthesis as follows:

"The hydrocarbon synthesis process is now regarded in the United

States as one of the main reliances of the nation for meeting its long term requirements for liquid hydrocarbon, supplementing supplies of crude oil. The process may be employed either with natural gas or with coal as a starting material, and although a vast amount of independent scientific and engineering work has been required and has been done in the United States, and much still remains to be done, affiant believes that the American technologists who have pushed this new industry forward to a successful basis consider that the principal foundations were those provided by the Fischer-Tropsch work and the I.G. improvement thereon."

Then he refers in subsequence to negotiations that were conducted. On page 61 he says in regard to the catalytic cracking process:

"The Fluid Catalyst Process was generally regarded as the greatest single contribution to oil technology during the recent war and was an indispensable foundation for the prompt production of the required enormous supplies of synthetic rubber and 100 octane gasoline of the United States and its Allies."

So much for the affidavit of Mr. Howard.

Q Dr. Buettfisch, in that connection I have only one more question to you. Who caused the fact that the hydrocarbon synthesis and catalytic refining process was made available to the United States and thus opened the way for the particular development that Mr. Howard mentioned?

A It was caused by the work of my associates, particularly Dr. Ringier, and, of course, I initiated this exchange of experience as the responsible head of the exchange of experience apparatus. It was our desire to bring this problem to a success in the world and that, of course, was frustrated by the outbreak of the war.

BY DR. FLAHERTY:

I now turn to another count of the indictment.

Mr. President, from document book 1, I want to submit the last four documents. That is, first of all, Buettfisch Document 95 on page 80. This will receive Exhibit No. 130. The next document is Buettfisch Document 97. That will bear Exhibit No. 131. The following is Buettfisch

Document 171 on page 86 of the book. This will receive Exhibit No. 132. At the end is Bueterfisch Document 163 on page 88 of the document book, a map of coal mines and that will receive Exhibit No. 133. This takes care of all the documents in Book No. 1.

Q Dr. Bueterfisch, under Count Three of the indictment I want you, first of all, to speak about your responsible activity within the scope of Farben's business and to tell me to what extent did the allocation of labor fall within your scope of responsibility?

A The administrative work for the allocation of labor was not part of my duties. I believe that during my testimony I have already explained that I had to deal with the technical planning and technical work of Leuna for which I bore responsibility. It was so arranged in the organization that the labor commitment and all its government regulations was the affair of the leader of the enterprise who had at his disposal for this work a number of departments handling these matters on his behalf.

Q Did I understand you correctly that, within your twenty-five years of activity for Farben, you were never the leader of the enterprise in the sense of the law in any of the plants that you worked in?

A No, I wasn't the leader of the enterprise but I had only the technical charge.

Q Did you belong to the enterprise council of Farben?

A No.

Q Did you participate in the plant leaders' meeting?

A No, I wasn't a plant leader or leader of the enterprise.

Q Well, I want to ask you whether you didn't have any contact at all with the staff of workers and employees since you were managing an enterprise?

A That would be a wrong assumption. On the contrary, as the technical chief of a plant, one has to be in constant touch with the workers especially where one is personally in charge of technical matters. Practically one works all day long in the factory and collaborates with the individual plant leaders and since I myself grew up as the director of such plants

I know that they can only be directed by maintaining close contact with the workers. Thus, during my inspections, especially in the Leuna plant, I knew the foremen and workers very well. A number of them knew me personally. In Leuna, for instance, in our workers' housing project we lived all together - the workers, the foremen, the plant leaders, the engineers. They were all mixed together and in this way one maintained very close contact and undoubtedly one respected the work of these people.

Q. Dr. Buetefisch, can you tell the Tribunal what you know about the first employment of foreign workers or forest workers in Farben plants? I differentiate expressly between foreign workers and those foreign workers who did not come to Germany voluntarily, more generally called, "forest laborers," in the terminology of this trial.

A. What I remember from my observations and from my activity -- for if one does not deal directly with the commitment of workers and with the regulations issued about this commitment, it is quite clear that the time and the dates become vague in one's memory, especially if one saw very much of this sort of labor; I travelled all over the plants of Farben, not only Leuna -- I know that the first foreigners came in 1940 approximately.

I believe that Dr. Schneider explained that Slovaks already arrived in 1938 or 1939. Dr. Flechener, it is difficult to indicate the exact time when these people came, when they stopped being voluntary and when they were no longer voluntary. That is very hard to do. That was all handled by the labor offices, the labor commitment agencies. Those people can remember better than I do.

Q. Didn't you employ workers or didn't you fire any workers?

A. No, that was all arranged in the division of work that I didn't have to work with those things next to my technical duties. That was automatically handled by the Personnel Department directly subordinate to the leader of the enterprise and I have already explained that there were a tremendous amount of regulations issued about this subject that one had to know, with which one had to be informed, if one dealt with such matters.

Q. Well, Dr. Buetefisch, I still would like to know from you whether you, for instance, didn't have any disciplinary power over those workers working in the plants under your technical charge. If any worker, for instance, didn't work properly, what was the way?

A. The disciplinary power was in the hands of the leader of the

enterprise. Not everybody could order people about in the plant. One had to maintain order. If there was any criticism, then the person who criticized had to report this to the competent office.

Q. Dr. Bustafisch, if you didn't hire any workers and if you didn't fire any workers, how was it handled? For instance, in the case of a plant for which you were technically responsible, if they needed some additional workers for some new construction, how were these laborers procured so that you had them at your disposal?

A. The details of this work was the job of the individual departments. I have explained that on the basis of the Leuna Plant following the big chart. I am speaking of normal peacetime when the departments requested the workers they needed. They had to take care of a certain production. I know, first, what they were doing and, secondly, I know, of course, that a certain number of workers were necessary for this job. They were regularly requested by the department for manpower questions. This department took care of the hiring of these people according to the regulations.

During the war production was laid down in quotas and, also, new constructions were laid down in quotas. There were certain priority stages in accordance with definite regulations and without these priority numbers which had to do with the production no material and no labor was made available at all. That is what I call "planned economy." As such the plant leader didn't have any right of disposal. It was all controlled. The process was similar again. The plant had a certain quota with a priority number. Then he requested the labor with the construction labor office in the same way in which it was done before on the basis of his quota number.

Now, of course, the provincial labor office, the Gewerkschaft -- and, of course, this is only what I heard, only in general outlines -- this Gew Labor Office, the provincial labor office, had the task of making the workers available according to the priority numbers, for particular

construction work. These people made the workers available. The enterprise couldn't influence the type of workers they got. The Gau labor Office took whatever they had from the pool of workers and of course, this enterprise -- at least, as far as I can tell you about this -- couldn't have any information about this. Quite generally, in the case of these plant quotas with new constructions, it was handled in the following way: it was said, "You have certain workers available for this job." How much material and how many workers were available, of course, was unknown to the firm. It has been discussed already that the laborers were shifted within Germany. There were Germans who had been drafted for labor. I think that was already the beginning of a so-called forced labor.

I must always reiterate that I give you the benefit of what I know without having studied the regulations about it.

Q. If workers were assigned to you in your capacity as chief of a plant of whom you had reason to assume that they were unsuitable, could you reject those workers?

A. The attempt to do something like that would have been useless. It would have been interpreted as sabotage. Sometimes, perhaps, one made objections and said, "They are unsuitable." Then the answer always was, "You must use them somewhere else and arrange things as best you can." On the contrary, I must say that at a certain time -- I don't know whether it was 40 or 41 because I don't know this because it was always the fringe of my activity -- I do know that I met commissions quite frequently in the plant; that is, commissions of the government where the Party and the army were represented, who investigated in the plant whether perhaps at one spot or another there weren't too many German workers, whether the ratio that was fixed at, let us say, 3 to 1 was actually observed, and I remember this particularly because the gentleman always told me: "We have certain difficulties when we operate a certain machine but I couldn't do anything against it." That was the nature generally of the labor situation at the time.

Q. Dr. Buotefisch, you said just now that this government labor commitment agencies investigated in your plant to what extent German workers could be exchanged for other foreign workers. Does it refresh your memory if I tell you that these agencies were appointed in 1940 by the labor office?

A. Dr. Flochsner, I have already told you that I can't fix any definite date because I didn't deal directly with this matter but I know that these commissions existed.

Q. You saw them?

A. Yes, often enough.

Q. I imagine you didn't like to see them?

A. No.

Q. Dr. Buotefisch, did you know, for instance, that prisoners of war were working in Leuna besides foreign workers and that also forced laborers were engaged there?

A. Yes, of course I saw that. I went through the plants and I saw prisoners of war and saw eastern workers and I also saw correction prisoners whom I considered to be convicts at one time, erroneously.

Q. Did you ever look at the housing, at the barracks, of these workers?

A. I did that, too, of course. The accommodations, the barracks, for instance, were very closely situated near the Leuna plant.

Q. Can you indicate on the map where it was?

A. That was in the housing project but I cannot do that on the uppermost map. I think I must give you the document number for the record. This is Buotefisch Document 230, Exhibit No. 4.

Immediately adjacent to the plant directly connected there is where we lived.

Q. You lived there, too?

A. Yes; and on the righthand side of this map, adjacent to the housing project, there were the barrack camps. In the housing project

and the adjoining thereto in other directions there were other barrack camps and now and again I went through these barrack camps.

Q. What was your impression of the accommodations of these people?

A. The impression that I had of their accommodation was always good. It happened, of course, as is the case with mass housing, that some people are orderly and clean and others don't have any particular liking for keeping clean; but the ones I saw were very clean and decent and also had good housing facilities.

Q. Dr. Bactofisch, in your affidavit offered by the Prosecution Document NI-6220, Prosecution's Exhibit 133k, in Document Book LXVI, page 9, there are details about the commitment of workers.

Mr. Sprecher is kindly pointing out to me that it isn't Document Book LXVI but Document Book LXIX.

DR. FLAHERTY: I beg your pardon, Mr. President, but the number is correct and the number of the document is correct.

Q. That is your affidavit, NI-6220. This contains details about the employment of workers as far as you know it. I want to ask you now what you have to say about this document, about its contents and about its formulation. Do you have this before you?

A. Yes. This document contains statements that I made about the employment of workers in war economy. As far as I remember, I told the interrogator that I was only giving these statements from memory without having been directly concerned with these questions and I must say that when I formulated this affidavit I made a number of mistakes.

For instance, because I was not correctly informed about the manner of activity of the main plant leader in all its details or perhaps because I was incorrectly informed about it, for clarification I should like to have certain corrections made in this affidavit.

On page 1 where I said, when talking of Dr. Schneider as the plant leader: "As such he was responsible for all social welfare questions" and so on, I should say: "As such he was responsible for all questions surpassing the individual plants as far as the workers of Farben were concerned." I couldn't know that in detail because, as I have stated, I didn't participate in the plant leader meetings.

In paragraph 3 I said: "Then the question of employment of foreign workers" and so on. This again deals with the technical question of employment of workers and in my memory I had been mistaken. It should read in paragraph 3: "The employment of foreign workers in the plants

of Parbon was settled locally by the individual plants." The technical committee for the Vorstand was informed of the employment of foreign workers by the drawing up of certain lists of figures that had been prepared in the Tea office. The construction of barracks had to be subsequently brought before the Tea as a credit application.

Under paragraph 4 it says that the housing, feeding and guarding was arranged by Dr. Schneider. That is correct only to the extent that Dr. Schneider as the leader of the enterprise had the final or last responsibility but that individual details were handled by the various sub-departments.

Under Paragraph 5 I said that twenty to thirty thousand workers of Louna were approximately employed in Louna and it shouldn't read there 50% but it should read 30% to 40%.

On page 4 I said something about the guards. This should read: "The guarding of the Eastern workers' camp was undertaken by the Security Police of the plant who originally were armed with walking canes" I said that this was to be at the instigation of Professor Schneider. This should read that at a later time the Security Police of the camp was subordinated to the police as auxiliary police and partly armed with firearms. I made these mistakes because I made statements about these things without being an expert on these matters. It was just a recollection that I had about them.

May I continue?

Q. Please go ahead if you have it in front of you; then you can go from one point to another.

A. Under Paragraph 8 I said: "In 1940 or 1941, as far as I remember the year, I saw the first concentration camp inmates working in Louna." I saw convicts for it has been established that there were no concentration camp inmates working there at all. The convicts, prisoners, wore the same striped uniform and I only remembered that these people worked on a railroad track. This wasn't in the vicinity

of the plant but they were being worked by the Reichsbahn or other firms. I just gave the picture of this instance that I had in my memory as I had observed it. Wherever —

Q. One minute, Dr. Baetofisch — you spoke of a railroad track. Is that the railroad track running on the lower part of the large map south of the camp, outside of the camp?

A. Yes, outside of the camp but there were various railroad crossings because we had the large stock piles on the bottom and the railroad tracks went right through the plant. There was really a track leading immediately past the plant on the other side where there were water outlets, where again our workers worked on the railroad tracks, and that is just a picture that was in my memory that I expressed as best I could.

On page 5 I said something and I don't want to mention that again and again: I spoke of concentration camp inmates but when I said that I meant the correction prisoners. These were correction prisoners working in the plant who also wore their striped uniforms, but I wasn't able to differentiate in my description although it would have been more correct to do so, but I didn't know whether these people were concentration camp inmates or correction prisoners again because I didn't deal with it in detail.

In the middle of the page I say that I assume that all the camps were subsidiary camps of a large concentration camp. This assumption of mine was incorrect. It says further towards the end of the war we had no more barrack camps available. In my testimony I should have expressed myself a little more clearly, but it was already corrected that we had very serious losses in the camps by the air raids and that that made housing more and more difficult and that emergency camps were constructed and that, applied, of course, to all types of workers.

Under paragraph 9 I said where I had seen concentration camp inmates apart from Louna. I have already said that in my statement I didn't

know the difference between corrective prisoners, concentration camp inmates and convicts and when I inspected the industries in Bitterfeld or Schkopau I just went through them. These were not my plants and, of course, then again I might have confused correction prisoners, concentration camp inmates or convicts. ^{Then} for that reason the expression I have chosen is not correct. I mentioned Heydebreck, Schkopau, Wolfen and Bitterfeld but I know today that there were no concentration camp inmates working there. Whether convicts or correction prisoners were working there I don't know at all because I didn't deal directly with these problems.

Q Did you ever have any misgivings about the extent to which prisoners of war might be put into production plants under your technical charge?

A Quite generally I knew, of course, that regulations of a Geneva Convention existed. I only knew what an ordinary industrialist would know about them. I did not know the individual letter of the law, but I knew that in the plants under my charge we did not come under these regulations, because we did not produce direct war products under the provisions of the convention.

Q If I am correctly informed, this was all supervised by the War Staling Labor Commitment officers. Did you ever talk to any such people?

A I knew that these Staling officers came in and went out from the plants and that they supervised it themselves, but I did not talk to these people. I knew from conversations with the plant leaders who told me that we hired a certain number of French prisoners of war, to quote an instance, and they were all supervised by the Staling officers.

Q Dr. Rustafisch, for what plants did you take over general planning within the scope of Sparte 1 during the war?

A The technical plannings were under my charge for the Mosbierbaum plant, the Leuna Part of Assewitz, and then I was a technical advisor for the Poulitz Plant, Hydrogenation Plant, and a technical advisor I was also for the Nitrogen Plant in Linz.

Q Would you please enlighten the Tribunal briefly about the Mosbierbaum Plant?

A The project for Mosbierbaum was an order of the Air Ministry, the Government it is to say, — the Armament Ministry, where gasoline was to be produced from petroleum. This order was given to Farben at 1940, the beginning of 1941, and this was to be constructed in the area around Vienna. Originally a certain site had been selected for this purpose, belonging to the Deutsche Gasoline, Aktiengesellschaft Kornau, but since it was floodwater terrain, Mosbierbaum was chosen, which was a site

belonging to the Donauwerke, also owned by Farben. A plant was suggested with a capacity of 70 or 80 thousand tons of gasoline to be produced from petroleum, besides that a lubricant plant was planned. This order was given to us later, however.

Q Was the technical planning under your direction?

A Yes, the technical planning, of course, had to be discussed by me with the gentlemen charged with the work, and I supervised it as a responsible person.

Q Who was charged with the direction of the enterprise in Moosbierbaum; who was in charge of the construction?

A The direction of the plant on the spot, was given to my director, Henning, who was transferred to Moosbierbaum at the end of 1940 or beginning of 1941.

Q Was it part of your function to concern yourself about details in the construction of Moosbierbaum, or about details of the production of the plant, to have these reported to you, and then to decide on them?

A No, that would have been impossible. Of course I was interested in the Moosbierbaum plant. I had the project blueprints submitted to me. I was in Moosbierbaum twice or three times a year, and Mr. Henning, who had to collaborate with the other parts of IG Farben had to report to me -- for one cannot sink this out of one's sleeve, -- one must have a certain overview, and then, of course, Mr. Henning was an independent plant leader. He had been working in the Leuna Plant for twenty years and was able to make the decisions with the authority of a plant leader.

It is impossible to concentrate all of the responsibilities in the hands of one person. That is impossible in the case of an industrial enterprise.

Q Dr. Gustafsch, I understand you to mean then that all of the writer questions, and employment questions, for Moosbierbaum were planned and handled by the local construction chief?

A I have to say one thing in that connection. It is impossible to handle it differently. It always depends on the local conditions.

Q You said that you were in Moosbierbaum once or twice a year? Would you tell the Tribunal how long such a visit lasted, and what was usually done during such a visit?

A It always lasted about one day. I went out to the plant, discussed all of the technical details with the people that had to be discussed for a number of problems, that accumulate over a period of time; and then, in the afternoon, as far as there was time, an inspection was made of the plant. One looked at the construction site and the plant that was completed already.

Q Dr. Baotefisch, I will now turn to the Auschwitz problem. First of all I want to ask you what brought about the construction of the Leuna part of Auschwitz. You have to deal with this only to the extent that it hasn't yet been treated by Dr. Schneider and Dr. Ambros. You can be very brief.

A The construction of the Leuna part of Auschwitz originated on the basis of a quote that we had for Leuna, for the construction of an intermediate oil plant, a so-called Synol plant. This was technically connected with the production of Propanol, -- but these are all technical details.

This plant originally was to be built in Leuna, on the other side of the bank of the river, because Leuna was too crowded, but one wanted to utilize the proximity of the coal field. Then the construction site of Auschwitz had been decided on, for Dan, which I believe was a sound idea, technically speaking, because they also had to work with coal synthesis, -- then it was decided to have this other production plant constructed in Auschwitz also.

This was ordered by the Reich Ministry of Economics, by the Government, and thus the construction was planned for Auschwitz. The planning in our project then had to be made, the power plants, the roads and water

ways and individual buildings that had originally been planned, had to be reconstructed in view of the new project in order to have only one power plant, one water works, one pipe bridge and one water way for the plant, and this project had to be pushed very quickly so that one could catch up with the other part that was already under construction. That is what I remember about it.

Q Dr. Buchtofisch was the site of the new plant to be constructed in Auschwitz already determined when you received the order to transfer this plant from Louna to Auschwitz, or were you told, "We do not want you to build in Louna, we want you to construct a new outfit with a new project where the Buna plant is already constructed" and that after that, one went around looking for a suitable site?

A No, it can be seen clearly from the document that at first we were ordered that a construction site for Buna had already been decided upon, and that thereafter one thought about a combination on the basis of the quotas allocated.

Q Do I understand you correctly if I assume that you did not participate in the search for the construction site?

A No, I was not along. I did not look for this construction site.

Q Very well. When you were told now that the Louna part is going to be constructed in Auschwitz in connection with the Buna plant, were you told at the time in that connection that the Plant was to be built there because one could use the concentration camp inmates in the plant?

A No, nothing was said about that at the time; they spoke about the construction site, and I remember that we negotiated with Dr. von Staud who was in charge of this plan, and we discussed this with Dr. Tengel who had developed this process, and we discussed the technical prerequisites that were given, and it was mentioned that there was coal and water in the necessary form, but the employment of concentration camp inmates, at least at the end of February, -- I do not remember whether it was the 20th or 23rd, -- but I know that it was decided, -- that when it

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was decided to build there, no mention was made of an employment of
concentration camp inmates.

THE PRESIDENT: He will start the recess.

(Tribunal in recess until 1515 hours.)

THE MARSHAL: The Tribunal is again in session.

BY DR. FLAEGHNER:

Q. Dr. Baetefisch, when for the first time did you know that inmates were to be employed in the construction of the Auschwitz plant?

A. I remember that that became known to me through the letter written on the fifth of March following Goering's order on the subject. That is what I remember about it.

Q. I think that your recollection is correct.

A. I think that was a copy of the letter of the Reich Office for Economic Expansion of the 5th of March. I received a copy from Dr. Lubros. I believe that is the first report I received.

Q. Yes, you are quite right. That is a letter which was submitted by the Prosecution under NI-11086, in Book 72.

A. Yes, that is right; the letter is dated the beginning of March.

Q. Now, Dr. Baetefisch, you went to Gruppenfuehrer Wolff. How did that come about?

A. As far as I remember this request was directed to Farben, that is, to my Berlin office, towards the end of March. I don't remember the exact day.

Q. Well, we really can't expect that from you. Could you approximately tell us from which office in your opinion the order came?

A. As far as I remember -- and I already said that here -- the order came from either the Reich Office for Economic Expansion or from the Reich Labor Office. The office in Berlin transmitted this information to me, and afterwards I went to the SS agency.

Q. Were you asked to do that personally or was it just said that somebody was to go there?

A. A request came to the office that somebody was to go to the SS agency who knew about the Auschwitz plant. Since I was in Berlin, or near Berlin, because Louna isn't very far from Berlin, I naturally

do-it with this matter.

Q. Did you go to Mr. Wolff alone?

A. No; since he needed some statistics about labor allocation I notified Mr. Duerrfeld and Mr. Faust and asked them to come along with me.

Q. And what was the result of your visit to Wolff? First of all tell me what you discussed.

A. I really don't remember any details. I still know one thing. Mr. Wolff said that upon higher orders inmates were to be allocated for the construction of the Auschwitz plant, and he asked us to explain to him what kind of building project it was. I did that; whereupon he said; "How about the amount of workers necessary?" Then I said, "Mr. Duerrfeld and Mr. Faust will explain it to you. I can't tell you that in detail." Then they gave him the figures which were calculated according to the project. They named the number of workers which they thought would be necessary for the building project.

I remember that we said that we were particularly interested in artisans and skilled workers. It was again emphasized that naturally at the beginning of the project very few workers would be needed. As far as I remember, Mr. Wolff, and I think a number of other gentlemen were present, said: "There are a number of conditions here. The workers employed there would have to be under guard. They are prisoners. They are mostly anti-social elements. It is absolutely necessary to guard them, and certain provisions would have to be adhered to."

We acknowledged these statements. Then Mr. Wolff said, "I can't give you any binding promise." I don't know whether he said that he would write to the G. E. Chem or whether he would write to a local office. At any rate, that is all I remember of this discussion.

He then said that the details must be negotiated and discussed at the place itself. "After all, these are local questions which depend upon the general provisions of labor allocation as it is practiced in

industry at large.

That is all I remember about this discussion.

Q. This discussion was, therefore, only of a general, informative nature or were any specific points mentioned? Were you told, you have to give us this and we will give you that?

A. No, the latter is not true. Purely general information was given and Mr. Wolff, after all, was not the man who could have decided this matter on the spot. He was only there, after all, in order to receive general information about the building project. What he did afterwards from an organizational point of view, I don't know.

Q. Did you express any particular desires during this discussion? Did you or one of the accompanying gentlemen do that?

A. I still remember -- I don't know whether it was Faust or Guerrfeld who said that they would like the Poles and Jews at Auschwitz would not be evacuated but would stay there because if a building site was to be started there it would not be advisable to evacuate the place because the workers there could help in the project, and it could help to maintain normal life. That is what I remember.

Q. What do you know about the allocation of workers at Auschwitz afterwards?

A. These are again detailed questions which were dealt with there and then. I think it has been sufficiently described here how a construction site develops; the firms come along, the sub-contractors, the labor offices are set up. But I really don't know how these matters were handled in detail because naturally I didn't deal with them directly, nor could I deal with them directly.

Q. Now, Dr. Bustafisch, would you please tell the Tribunal how Sparte One further incorporated itself into this building project; how the whole matter developed?

You have already said that you had to change your original planning as far as the adaptation to the Auschwitz plant was concerned.

A. Yes, the Auschwitz plant underwent a number of changes in our part of the plant, the chemical part. At first a synol plant for 75,000 tons capacity was provided. After the war against Russia broke out a change was made. It was said: we have enough medium oil but we wanted more methanol. So it was a pure change in planning. That meant that synol was changed into methanol. That of course was quite possible and I have already explained that by use of the chart. I have said that the first stages of production are the same in the two cases. That becomes apparent from the Affidavit No. 2, the main synthesis of coal.

You see there that the synol and methanol synthesis go through more or less the same stages. Therefore, there need not have been any large changes. However, new apparatus was needed for that.

particularly for high compression. For example there were other changes afterwards. We had to produce lubricants at Auschwitz. At the end, as Dr. Schneider has already mentioned, nitrogen became necessary. We had various stores and now products had to be produced there, particularly because the situation in the West became even more critical from day to day. The authorities told us simply that everything had to be transferred to the East because of the danger of air attacks, and this is how quite automatically these increases came about.

Q. Now, Dr. Buetofish, when did you start construction at the Leuna plant? Or more simply, when did the construction of the Leuna part of the plant start?

A. It is very hard to reply to that exactly. The power plants and the water installations were naturally constructed for Buna and Leuna together. If, however, you are referring to the Synol plants specifically, then at first we chose the sites. I think the actual building started in June or July. Everything had to be reconstructed and put in order for that construction.

Q. You undertook responsibility for the planning of the Leuna part?

A. Yes.

Q. And how about the subsidiary plants? Were they under your responsibility, too, or not?

A. Naturally, I know how much power and how much water was necessary, but the planning of the power or water installations was not under my charge. As far as I remember that was done by the technical offices at Ludwigshafen, who were usually planning such power installations.

Q. Whom did you assign to the planning of the Leuna part of the plant?

A. Did you mean whom I assigned?

Q. Well, I am now referring to the planning. You couldn't do that planning yourself. You had to assign one of your associates, didn't you?

A. As it has already been stated here by others, the Leuna part of Auschwitz was a certain addition in Leuna itself; that is to say, those

technical departments who worked on high pressure or methanol at Louna, or who worked on the machine technical part in the same way concerned themselves with Auschaditz in its construction. I, of course, could only concern myself with the over all planning. I had the final plans laid before me. We discussed them. We decided if they were in order from a technical point of view. My director, Dr. von Staden, was in charge of the actual task. He was a plant leader of Louna and also belonged to the TEA. He, of course, was quite a personality who had been at the Louna plant as long as I, and was quite versed in all those things. We naturally had to undertake a division of the work. It was team work and all our responsible personnel of Louna actually collaborated in the task. For instance, the Chief engineer of SPARTE I, Dr. Sauer; the Chief engineer of the machine department, Dr. Strosbeck; the chief engineer of the construction department - they all collaborated in this project, but let me say again that I, in the final analysis, had to bear the final responsibility for the entire planning, and, of course, I told the SPARTE heads of the results.

Q. Dr. Bautofisch, would you please look at Exhibit 130, from Document Book 1, Document Bautofisch 95, this is on page 80 of the document book of the Prosecution. Would you give the Tribunal a short survey based on this chart of the technical structure of the Louna plant, but please only emphasize the most essential points which are necessary to give the Tribunal an over-all picture of the tasks which you had to perform there.

A. On the various tables of this affidavit, Table I for your information gives you the Louna part, marked with various shades squares in order to give you a picture of its extent. Table 2 shows you the installation of the machinery. Without going into the technical aspect, you see from this map that the installations for the gas production for the synthesis, in this case methanol, are marked down there for the work shops, for the factories, for the water and power plants, as far as they were necessary for this part and various other details. You can see from

this map what part Louna played in this plant. On the next table, which is table 3, is shown how it was possible to change over from Synol to Methanol. It goes to demonstrate that such a change was not technically negligent. It is shown here how we came to the ammonia synthesis. How it was possible to produce nitrogen there. The various squares show what could be exploited in the plant for one of the other products. The next table is the flow sheet of the synthesis plant, Auschwitz, Table 4. There you see how the individual plants were built up and what they cost. The high expenditure for Auschwitz was mentioned in various documents. This is the situation, about as it was in 1944 when the last accounting took place. On the whole I think we have 160 or 180,000,000 marks without counting the actual installations, and while one must take into consideration that these were not mainly the construction expenses, but here high pressure aggregates are mentioned as well as machines which naturally formed the main part of these expenses. All this is machinery which had to be delivered from the outside. More construction alone in the case of such high pressure plants is relatively small. I think I have explained very briefly what is of technical importance for the Louna plant. Let me point out that this entire planning looks very simple if you look at these charts, but actually the manner of execution was very complicated because of carbonization and various other technical problems which had to be discussed and solved in detail. This was really my job and I had to make the final decisions.

Q. Now, Dr. Buettfisch, you have told us that this Louna part amounted to a very considerable sum. Did you initially expend this entire sum and did you immediately start a construction at full speed, or did it all happen gradually, stage by stage.

A. No, as I have already explained, the whole matter developed organically according to the quotas we received. We did not start at once, but our development depended upon the quotas we received. Gradually increased.

Q. I think it would be very helpful to the Tribunal if you would

briefly describe how the funds for this program was requested by Farben?
Would it be possible for you to describe that to the Tribunal?

A. Basically we handled this matter in the same way as we used to in Farben. The programs were set up, the various departments were told that we had a quota to produce so and so many tons methanol. The whole thing went to the production offices, the costs were calculated, they were checked by the chemical engineers in charge; from there they were sent to the departmental head; from there on they were sent to the first engineer of the SPARTE. Then to the head of the plant, then they came to me, then to the SPARTE chief, and then after this checking, the whole matter was presented before the TEA.

According to the date lines — and you have to be quite clear about that — the pressure for speedy production increased all the time as the war progressed. That is a very natural course of events in my opinion. Wastages increased all the time because of war damages on the one hand, and the orders increased on the other. The difficulties in production increased all the time. The individual plants experienced a constant pressure by the authorities to increase production, that was production which was necessary in wartime. Programs had to be approved a long time ahead sometimes, we had to be able to start with the buying of a machine or the digging of certain sites before the actual program had been worked out, but later, of course, it all had to be approved.

Q Dr. Buchele, the decision to construct the Leuna part of Auschwitz originates from an official quota. The decision that a Leuna part was to be constructed at Auschwitz was made by some official agency, is that true?

A Yes, we didn't have the right to make any decision.

Q It has been stated here that Farben was financing this construction with their own funds and in their own interest. The Auschwitz project as you could recognize it from its planning, was it a pure war plant or was it a plant from which you could expect that in peacetime it could be continued, that is, if in peacetime Farben would have remained in control of such a plant?

A I think that Dr. Ambros already replied to that question here. It has been presented to him in this courtroom. I can only reply in the same way as Dr. Ambros. At first we received the order, and then we technical experts tried to do the most reasonable thing. We tried to construct this thing reasonably and from a technically sound point of view so that after the war the whole thing need not be destroyed. We only dealt with the technical aspect and didn't have to deal with any other questions. We just received the order to construct the plant, and we from our point of view dealt with the technical aspects; whereas, the aspect of financing was handled and decided upon by another agency. That is how it was always

handled.

Q I wanted to ask you the following: Once Farben had decided to finance the plant itself, was an express decision of the Vorstand necessary that this plant was to be continued in operation after the war, or was that a matter of course?

A In my opinion no decision was necessary. I don't quite get your question. It was financed, and I don't see the point.

Q Well, you may well have thought that the money would then be refunded by the Reich or that the plant would be returned to the Reich. At any rate, it has to be understood that Farben constructed the plant in their own interest to serve a normal peacetime production?

A I didn't really care about that. We were only concerned with a quota that we received, and we tried to find the technically most suitable way to meet it. Naturally, we had to do the most reasonable thing, and we were responsible to do that. The apparatus had to function well.

Q In the documents reference has been made repeatedly to various minutes of construction meetings. What was discussed during these construction meetings?

A The individual details were discussed there concerning the material which was necessary for the construction of any such plant, that is to say, all these matters which concerned the construction management and the installation management. All matters were discussed which had to be known in order to make the necessary decisions. That is the sense and the purpose of construction meetings.

Q Did you yourself attend such construction meetings?

A Yes, I also attended a number of construction meetings, but I only attended three or four construction meetings of a total of twenty or thirty. I listened to what was being said, and sometimes I may have expressed my view on one or another point; but for the rest, I charged Dr. von Staden with that job who went to these meetings in a responsible capacity, and that also applied to the chief engineers of the plant, Dr. Stronbock, Dr. Sauer, and Dr. Hoepfke. They tried to direct the construction according to the

proper methods.

Q Were you always informed about the state of construction?

A I did it in the same way in the case of all large scale plans for Launa. All the gentlemen whom I sent to these meetings were requested to report to me in case anything had to be reported. Sometimes they sent me an extract of the minutes whenever that was necessary. They didn't do it when it wasn't necessary, but it is quite clear that such gentlemen in leading positions had to have their own right of decision in many matters. If that ~~hadn't~~ been handled in that way, I would never have concluded the reading of reports and the making of decisions.

Q At Auschwitz, did you also personally convince yourself about how the construction was progressing?

A Yes, I went to Auschwitz not very frequently, but now and again I went there; and about twice a year in the same way as in Hoesbierbaum, I informed myself about the progress of the construction project.

Q How long did anyone of your visits to Auschwitz last?

A I mostly stayed there for a few days, whenever it was possible. Sometimes I only could stay half a day. In view of my great burden of activity, I tried to combine my visit with Fuerstengrube, that is in Kattowitz, and had a conference there.

Q What did you inspect when you were at Auschwitz?

A At Auschwitz I at first discussed the technical aspects with the gentlemen who were entrusted by me. I must say that once or twice I attended construction meetings. After these purely technical conversations had been concluded, I inspected the construction site. I inspected those parts in which I was most interested. We were undertaking a new type of construction there, and I discussed the various details with the plant leader there, Dr. Braus. Dr. von Staden was mostly present, and afterwards Dr. Giesen who had appeared here as a witness. Since Dr. von Staden died in 1944, Dr. Giesen then took over the methanol plants at Auschwitz. At the same time he was the head of the large department Launa which is marked in red on the chart. Naturally, as far as it was possible in view of my physical

condition, I went through the entire plant and inspected everything in which I was interested. That brought us to the end of the day.

Q. What was your impression of the construction place?

A. I must say that I know many construction places. I have already mentioned that I have seen a great number of these sites because I participated in the planning of such projects. I must say that the construction site at Auschwitz always made a good, orderly impression on me. In my opinion everything was tried there in order to achieve a construction in the most modern possible way. That wasn't quite simple in the East because the material wasn't there. Machines had to be delivered from far away. In Central Germany that problem would be much easier. Therefore, in my opinion this well-ordered construction place deserved a great deal of praise.

Q Did you see any inmates at work?

A Yes, naturally I did. I used to walk around by myself, only together with Duerrfeld or Bruns I inspected all these places in which I was interested. Duerrfeld pointed out to me -- I asked Duerrfeld again and again to show me the various workshops and construction sites. I remember that I went to workshops with Duerrfeld, that I saw inmates at work. I convinced myself that he was interested in training these inmates to do a skilled job. That was our problem, we wanted to train these inmates to skilled work. I had a very good impression, I must say. Now and again I spoke to inmates in the workshops, I had conversations with them. I remember that I went to a lathe where one or two inmates were working. One of them had an idea of the job and the other was just learning. Actually, I wasn't allowed to speak to them, but we weren't observed and I spoke to them. I found out that they were extremely satisfied, they were glad to do the job, they learned something new. I don't really mean to say that it was a desirable situation that we had to employ inmates, but as it has been expressed here frequently, I think it is better if one is in prison to work rather than not to work at all. I think that opinion was shared by the inmates, at least, by those to whom I had occasion to speak. That wasn't an individual instance, I saw inmates working on various places, in the storerooms, in the laboratories. Naturally, I didn't speak to all of them, but I always gained the best impression.

Q Did you ever see that inmates were beaten or punished by the kapos in order to do more work?

A I never saw that.

Q Could you observe that the inmates were asked to do work for which they were not physically fit?

A Whenever I inspected the camp, whenever I did my rounds, I often noticed that inmates were not working and just standing around, but that wasn't due to the fact that they were not physically fit. I think that is a symptom known to any form of big construction places. Whenever groups of people had to work together, now and again you will always find people

loafing around, who are not anxious to do heavy work.

Q Dr. Bustefisch, did you ever learn that kapos were beating inmates, even if you haven't seen it yourself? Did you hear it from third parties?

A When I was interrogated, I was asked about that. Actually, I can't remember that any such report was made to me. After I have had an opportunity to think about this matter, and after I have discussed this matter with the other gentlemen, I remember that Dr. von Staden said that excesses had taken place and that kapos had been beating inmates. Subsequently, I immediately asked him what was done. I said that Duerrfeld must immediately take steps, and I said that we must not permit that to happen again, but, of course, it is possible that such excesses do take place.

Q Did this report of Dr. von Staden's prompt you to do something on your own initiative?

A If my colleagues, if the leading persons entrusted by me tell me that everything had been done to prevent such excesses, that everything had been done to prevent any future occurrences, I had, of course, no reason to do anything on my own initiative. I really couldn't have done it, all I could have done was to go to the plant leader and ask him whether he had prohibited a repetition. I knew, however, that Duerrfeld and all the other construction managers, as long as they were part of Farben — I really had no control over the others — prohibited every beating at the construction places, according to the general usages of Farben.

Q Dr. Bustefisch, one more question. Minutes were kept about the construction meetings. Were they always sent to you, and did you read them personally, or did you just give them to one of your subordinates?

A Building reports, construction meetings, as far as they concerned matters of construction, were perhaps provided for my attention in the distribution list. Whether that was Hoesbierbaum or Auschwitz or any other plant or Braunkohle-Benzin A.G., it didn't matter. My entire mail was handled in the following way. On the distribution list, there was always

a second man mentioned, that is, the expert in the various fields subordinated to me. The mail usually went directly to these experts in the fields, who in turn had to inform the various people at the construction places about any measures. Naturally, I was always informed if something very essential had to be reported from the construction meetings. I must emphasize that those people who were directly informed were gentlemen who had achieved a certain position and they didn't have to approach me with every detail. That really wouldn't have been possible. For instance, I remember technical matters concerned with the transfer of machinery or matters like that, naturally, such transfers could have been decided by these men themselves because they were not any basic changes of the building project.

Q Dr. Buefisch, you said that you at the most went to Auschwitz twice a year, and then only for one day. The gentlemen who were entrusted by you with the supervision of the plant, did they go to Auschwitz more often, and in what periods of time did they go?

A At the construction meetings, there were always people of the Leuna directorate present, as I have already stated. Secondly, the people in charge whom I assigned in the various fields frequently went to Auschwitz. I remember that Dr. Von Staden went there about once every six weeks. Starting from 1943, Dr. Giesen went there. Giesen was here a witness on the stand. In the same way, the first construction engineers went there.

Q Whenever these gentlemen returned to Leuna from their visits, did they make any reports to you about the construction places?

A Yes, they reported to me if anything particular had happened. They came up to me and we discussed the case. For instance, whenever any technical changes became necessary, then I was briefly informed.

Q Did these gentlemen ever report to you any excesses in the treatment of workers in the construction site?

A I have just told you about one such case, when von Staden came to me. I know of no other cases. Neither Sauer nor Strombeck nor Giesen nor any other gentlemen reported anything to me which would have had to cause

me to get in touch with the plant leader himself or with Ambros, for instance.

Q I am correct if I understand you that the reports which were made to you and your own observations, even though they were very rare, after careful investigation gave you no reason to intervene in any way, to take any measures and to urge the excesses to be discontinued?

A No. In any case, I would have had to remember such matters, because I already said that the entire Launa direction was in constant touch with the construction place, for the first engineers were there.

Q Dr. Bueteftsch, before this Tribunal a number of witnesses of the Prosecution have appeared and testified about excesses at Auschwitz. Did these testimonies change your opinion as to the actual events at the construction place of Auschwitz?

A No, my opinion wasn't changed. As I have just said, my colleagues would have reported to me about any such situation. In 1944, I had different jobs to do, but before that date, I was there very frequently and I would have had to see what was happening. I know not only one construction place, but four or five, and I could have drawn comparisons.

Q Were you ever at the concentration camp of Auschwitz itself?

A Yes. Do you mean the large concentration camp at Auschwitz?

Q Yes, the main camp, or whatever it is called. What was the occasion?

A I think it must have been in winter of 1941 to 1942. There was a big inspection trip of the Upper Silesian district, gauleiters, regierungspræsidents, plant leaders and various entrepreneurs of other branches of industry were there. There were approximately 30 people gathered, I think Dr. Ambros was there too, and we were shown around the camp. I must say that I no doubt gained a good impression of the camp as it was shown to us. Well, as it has already been stated here, the camp may have been arranged especially for our visit, but certain things could not have been overlooked, these were the proper kitchens, the good kitchens, the workshops, and even the barracks made a very good impression. There was agricultural terrain near there with all stables, and even the inmates themselves whom we saw in

the camp made a good impression on us. There weren't many people in the camp because we went through there during daytime, but that approximately is the impression which I gained after the visit of the camp. Of course, the whole thing was more or less a show because many people participated in this visit.

Q. During this round trip did you see any other inmates active at work?

A. As far as I remember we went through a mine of the Hermann Goeringwerke; then we went over to the Labant Plant, a rolling mill plant. Whoever has passed Upper Silesia knows that along the street one passes from one mine to another -- from one industrial enterprise to another, and I remember that at various places we saw inmates at work. As far as I heard that was quite usual in the terrain around Auschwitz. There was the Plant Blochhammer, et cetera. There were about thirty-five subsidiary work places, work camps, and many workers were engaged, and that is my impression and that is what I saw.

Q. Dr. Buotofisch, did you ever hear anything of gassings which allegedly had taken place at the Auschwitz camp or did you ever hear anything about medical experiments on inmates or anything like that, and, if yes, when?

A. No, I heard nothing about that. I only heard about these atrocities after the end of the war when we were again allowed to switch on the radio without being endangered by it.

Q. In this connection, of employment of workers, of inmates, I am interested in Fuerstengrube. This is a subject which has been mentioned in detail by the Prosecution in their Book 80. I shall limit myself to the most essential points and I shall not refer to every document. However, I can not forgo your description to the Tribunal as to how Fuerstengrube was founded and what considerations were decisive.

A. In the East Farben had operated a number of factories. That was Haysbroek, Waldenburg, and in 1940 the planning of a third Buna Plant at Breslau. When making these considerations we naturally had to consider as to where the coal would come from. Naturally, unless you are concerned with a chemical plant, the matter isn't very important, because after all one can buy the coal. In the case of a chemical plant, the matter is different. There the coal has to be selected. One is bound by the availability of the coal and by the type of coal -- whether it can be used as coke or whether it is dust coal or whether it is lump

coal. In the final analysis we needed it for chemical purposes. Therefore, the question had come up at an early time whether it was possible to participate in the coal in the Upper Silesia terrain. Unless we were able to do so the whole problem would be too difficult. Already in 1939 that question was brought up by Dr. Scharf, who was in charge of coal questions. Those discussions were continued through the year 1940. It has already been mentioned that I, after Scharf became ill, was also consulted and took a part in this question. Not because I was an expert in the field of coal, but because I could judge coal as to its chemical properties. Of course, the direct method was to find out from the mining people how the whole property situation of the coal mines in that area was. This is how we got into touch with the Fuerstlich Pless'sche Bergwerke, A.G., The Fuerstlich Pless'sche Bergwerke, A.G., whose owner was, I am informed, interned in England, but which was administered by a trustee -- was interested in continuing the operation of the mine on a private economic basis. That was very difficult for Pless, because they had very little money. But, in the course of the industry's reconstruction and expansion in Upper Silesia, they had to produce more coal; they had to expand because that was part of the entire plan for war. They had to expend a lot of money in order to increase the production of coal. Pless could have done that by using State credits. Therefore, Pless thought that this connection with Farben, if it was at all possible, would be highly welcome. Of course, Pless wanted to retain its independence as Pless'sche Bergwerke, A.G. Therefore, they separated a small part of their coal property and then founded with us a new company called the Fuerstengrube, G.M.B.H. This was a purely economic measure on the part of Pless. Then Farben was participating with 51 percent and Pless with 49 percent in the Fuerstengrube. On the other hand, Pless expressed the wish that Farben would participate in another place -- at the power plant Obersaak, where Pless was delivering only coal -- only power, and they wanted Farben to participate, but there again Pless wanted 51 percent and they wanted Farben to limit themselves to 49. In other words, the whole thing was purely economic.

Q. What was the motive which prompted Farben to demand 51 percent and why did Pless receive 51 percent at the power plant at Oberhausen?

Does that have anything to do with the syndicate provisions?

A. I mentioned it briefly already, when coal is delivered for chemical plants, we could only make our demands as to the type of coal we needed, if we had a 51 percent participation. This is because of the syndicate provision and this is included in the so-called "self consumers right." In other words, we couldn't have gained the coal for chemical exploitation if we didn't make use of the self consumers right. This was a purely economic consideration which led to the formulation of that contract.

Q. Did you attend the negotiations which finally led to the conclusion of the contract for the founding of the Fuerstengrube, G.M.B.H., and were you in charge of such negotiations?

A. I don't know whether I did that from the very beginning, but at any rate in 1940, after my illness, I was included. I think that was towards the end of 1940, but perhaps I already concerned myself in the beginning of 1940, but I am not quite sure.

Q. Now, Dr. Baetjer, in your opinion did Farben control Fuerstengrube, G.M.B.H.? Did Farben control it in the sense of the Anglo-Saxon concept of the word? Did you actually dominate Fuerstengrube?

A. No, in no way at all. The entire collaboration in the case of Fuerstengrube came about on a purely friendly basis. I have already explained what the interests were on both sides. Naturally, money was necessary in order to effect the expansions in connection with the chemical development, in a chemical order. We had to arrive at some sort of agreement by contract. But, apart from that, we had a gentlemen's agreement with the people from Pless, according to which we didn't want to dominate each other. Farben had three representatives in the Aufsichtsrat and Pless had two representatives in the Aufsichtsrat. The more important jobs in the case of Fuerstengrube, we left to Pless, A.G. That is the business management. I must totally say that very rarely have

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I seen a more friendly collaboration then in the case of the Ploss Company and Fuerstengrube. Naturally, there were discussions now and again on financial matters and everyone looked after his own interests.

Q. Doctor Buetefisch, was control of Farben over the Puerstengrube Company to be seen by the fact that Farben wanted to assure for itself specific rights for the expansion and the operation of new plants? These are the provisions in the so-called additional contract.

A. Could you perhaps show me the wording of that contract?

Q. Just one minute.

A. Let me state the following. This additional contract does not state, as it may be deduced from the wording which you quoted, that we wanted to influence the management of Puerstengrube in any way. We would not have been in a position to do that because one needs expert judgment for that. That could only be done with mining experts. It means the following, and I have already expressed that by quoting the self consumers right. We, naturally, having fifty-one percent, and having given certain guarantees to Puerstengrube, in turn could demand the right to say that we want this sort of coal, and get it out of this part of the mine and not out of that part of the mine. We could also say that we need a certain cleansing plant for the coal, because we couldn't use it in that way for chemical purposes.

Q. The letter you are looking for is attached to the document.

A. Yes, it says there that Farben, in their dispositions over Puerstengrube G.m.b.H. in respect to expansion and additional plant, had free hand. For Fless A.G. no further obligations arise from that according to paragraph 20 and 21. This paragraph clearly refers to the financing. In other words, if we, from the chemical point of view, had asked them that we wanted coal from a different part of the mine because it would be more advantageous to us from a chemical point of view, then that was a matter which we could demand from our point of view. Whether or not it was technically possible was, in the final analysis, a matter for the business management of the Puerstengrube. That is how the passage is to be understood and that is how it was actually handled.

Q. Dr. Buetefisch, am I right in summarizing your statement by

saying that the additional contract meant that Farben's right to determine the type of coal they wanted to use referred to the general policy of the entire company, but didn't mean to interfere with the specific business management of Fuerstengrube?

A. That is true. That is my opinion.

Q. Did Farben ever make use of its right noted down in the additional contract?

A. The production and expansion orders which came later were handled in the framework of the general orders already existing. What was intended by this additional clause actually never came into effect because all these matters were regulated by the authorities. One had to have quota numbers, etc.

Q. It was stated that Farben, in addition to the three Aufsichtsrat members, had assigned their own people to important jobs. What can you say about that?

A. I don't know how we could have done that in the mine itself because we didn't have any important mine experts. All the mining people I knew were employees of Dr. Falkenhagen. Of course it's different in the case of the commercial employees. Dr. Ottermann, for instance, was employed by Farben and he was transferred to Fuerstengrube, because there was a scarcity of personnel. He was the man who took care of the entire contractual matters. He had to do all of the accounting -- he had to deal with matters referring to interests, profits, and other matters which resulted from the contract.

Q. Would you briefly tell the Tribunal about the functions which you exercised in your capacity as chairman of the Aufsichtsrat?

A. I had the same functions as in other companies which are laid down by law. I had to check the budget, and I had to accept so-called business reports by the Vorstand. All these matters, according to the by-laws, had to be presented to the Aufsichtsrat.

DR. FLAETSCHER: Your Honors, I am going to submit an affidavit to the witness, of Dr. Silcher, counsel here. I have submitted it to the

translation branch but I don't know whether it's already before the tribunal in its translation. I think it would be better if I only offered it for identification.

THE PRESIDENT: Does the Prosecution know what it is? Then you had better perhaps just offer it for identification. Do you know what book you intend to put it in?

DR. FLAEGHSNER: I shall put it into a supplement book, and I shall now only give it a number for identification.

THE PRESIDENT: Very well.

DR. FLAEGHSNER: So that everyone will know about what document we are talking. This document will receive Exhibit 134 for identification.

THE PRESIDENT: Very well.

DR. FLAEGHSNER: So that everyone will know about what document we are talking. This document will receive Exhibit 134 for identification.

THE PRESIDENT: Did I understand that you wish to pass it to the witness.

DR. FLAEGHSNER: Yes.

THE PRESIDENT: Very well, that may be done. Perhaps you can ask your preliminary questions about it and then go into the substance of it at the next session, Dr. Flaeghsner.

BY DR. FLAEGHSNER:

Q. Dr. Baetefisch, one brief preliminary question. On the basis of the by-laws of Fuerstengrube G.m.b.H., did the Aufsichtsrat only have the general legal authority or did the by-laws impose upon it special supervisory duties?

A. As far as I remember the first draft of the by-laws included a little stronger expression as to the supervisory duties of the Aufsichtsrat. I really can't tell you that off-hand.

Q. But can you find that out if you look at the by-laws in Book 80? I think it's page 17 of Book 80. There you have the preliminary contract in addition to a draft of the by-laws, if you consult that page.

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THE PRESIDENT: I think that we had better recess and that will afford the defendant an opportunity to examine the document.

DR. FLAUBENBERG: Yes, Your Honor.

THE PRESIDENT: Please bear in mind that tomorrow's session will be in room 3. The Tribunal is now in recess until nine o'clock tomorrow morning.

Official transcript of Military Tribunal VI in the matter of the United States of America against Carl Kuchuk, et al., defendants, sitting at Nurnberg, Germany on 10 March 1948, Judge Curtis G. Shaker presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI. Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, you may make your report.

THE MARSHAL: May it please your Honors, the defendant Haefliger is absent through illness. The defendants Lautenschlaeger and Ilgner are excused by the Tribunal.

THE PRESIDENT: Well, gentlemen, we ought to have a good day today. Everybody seems to be closer together than usual down here. Any announcements from the defendants?

DR. LUSCHERT: Dr. Luschert, counsel for Kuchuk. Your Honor, I should like to ask you to excuse the defendant Kuchuk for the entire day today, in order that he may prepare his defense.

THE PRESIDENT: That request is granted. Any further announcements?

DR. SEIDL: Dr. Seidl, counsel for the defendant Duerrfeld. Some time ago the defense has placed at the Prosecution's disposal the weekly reports. In view of the fact that Duerrfeld's defense now has to be prepared, I naturally have to look through these weekly reports since I myself had not as yet seen them. We now have to see whether excerpts from these weekly reports are suitable for introduction as documents. I should, therefore, ask the tribunal to make a ruling to the effect that the Prosecution would place these weekly reports at our disposal for a certain period of time, since the Prosecution's case has been concluded and we are now presenting the case on behalf of the defense.

THE PRESIDENT: You have references, I take it, to those Auschwitz reports that were deposited at the office of the Secretary General. The Tribunal yesterday or the day before directed the Secretary-General to make those documents deposited with him available to the Prosecution for

their examination. What is the situation? Mr. Sprecher. Are you through with them yet or what is the situation.

MR. SPEECHER: Well, since these are rather extensive reports and they have been in the hands of the Prosecution two days, we are naturally not at all through with them, and I think Dr. Seidl knows much better than I do how long they have been in the hands of the defense. I can say this, that of course, regardless of whether they are now being used by us or not, arrangements can be made, as they have been made in hundreds of instances, and I repeat -- hundreds of instances -- for the mutual use of the documents.

THE PRESIDENT: Just a moment, Mr. Prosecutor. This is no place for lecturing counsel or the Tribunal or any one else. If you will just state your position, the Tribunal will undertake to pass on the question. Now here are documents that are under the order of the Tribunal available for both parties. They have been deposited in the office of the Secretary-General in order to make them available to both parties. The Tribunal will expect that they be made available to both parties, and the Tribunal will ask that you two gentlemen will confer in formally and outside the courtroom during the intermission and if you cannot agree on some orderly way of showing sufficient courtesy to each other to make these documents serve your purpose, please report to me personally in chambers and the Tribunal will settle the controversy. There is no occasion in the world for small matters of this kind to take up the time of the court, and if you can not agree on some orderly way of handling this matter, the Tribunal will referee that dispute very promptly. Any other questions, gentlemen? Then the defense may continue.

MR. FLAESHNER: Dr. Flaeschner, counsel for Bucofisch. Dr. Bucofisch, at the conclusion of yesterday's session we were concerned with the formation of the Puertengrube, G.m.b.H., and I was about to put to you a document which is not yet before the Tribunal and which I only wanted to offer for identification as Exhibit No. 134. I repeat that

exhibit number and I ask you to look at the document and then reply to the following question: Are the by-laws of the Fuerstengrube in their final form of June, 1941, different from the draft upon which the preliminary contract is based which has been submitted by the Prosecution in their document book 80? In other words, do the by-laws differ essentially from the preliminary draft?

A. Yes, these by-laws differ fundamentally.

Q. I don't want you to describe any details here. We are only interested in the position of the Aufsichtsrat. Could you please be good enough to tell the Tribunal whether in the final formulation of the By-Laws the duties and authorities of the Aufsichtsrat are laid down differently from the manner in which they were laid down in the preliminary draft, and would you give us the reasons?

A. Yes, as far as I can see from the document, one change has been made with reference to Paragraph 82 of the by-laws, where originally it was stated, "The Aufsichtsrat has constant supervision over the activity of the company." That has been abrogated to something else, where it says, "The Aufsichtsrat supervises the business management."

Q. Well, that is the point in which I am interested. Now would you please tell the Tribunal, or can you tell the Tribunal, if that is due to conferences with the other partners, or whether this is merely a matter of legal formulation.

A. The preliminary contract as such naturally led to discussions with reference to a number of points, and above all, Fless said that he did not desire that the Aufsichtsrat as such should have any other authorities than those provided by law. Naturally we had no interest in that either. We wanted to cooperate with Fless in a reasonable, friendly way. We know that Fless, in view of his great experience in Upper Silesian mining was undoubtedly the suitable technical partner for us, and certainly had to maintain his own independence, and for that reason it was provided already at the first conferences that the by-laws

to settled finally that in no way any special authorities of the Aufsichtsrat be expressed therein. This friendly agreement was then drawn up in legal form by our attorney, Dr. Silcher, and on behalf of the other party Dr. Ludwig. These gentlemen had been entrusted with formulating the by-laws in such a way as to take into consideration the desires I have just described. The conference then actually took place. It was a merely legal matter and I didn't concern myself about it in detail. Later Mr. Silcher reported to me about it, but those were details.

Q. In order to enlighten the Tribunal, would you please tell me whether this Dr. Ludwig - this lawyer, Dr. Ludwig, representing Fless, is the same Dr. Ludwig who later became your colleague in the Aufsichtsrat?

A. Yes. Ludwig was a member of the Aufsichtsrat on behalf of Fless.

Q. The point of view has been represented here that for the initiative and the execution of Farben interests within Furstengrube G.m.b.H. the President of the Aufsichtsrat was responsible, which was you?

A. That is in no way correct. All decisions which were made at all, were made mutually by the Aufsichtsrat. All purely operational matters were dealt with by the business management of Furstengrube.

Q. I see. Dr. Falkenhagen, who has given us an affidavit under NI-12810, Prosecution Exhibit 1556, gave this opinion in his affidavit. Now I wanted to ask you the following: Did Farben display any particular initiative at all in Furstengrube?

A. In the Aufsichtsrat of Furstengrube we discussed with Falkenhagen among others quite generally what was necessary for the Upper Silesian territory in the way of coal production, what was necessary for the industries, and we naturally told him that we were interested in particular types of coal, and we asked him whether he would be in a position within his coal production program to place at our disposal the suitable coal we needed. This, after all, was the purpose of our co-operation. We wanted suitable coal for our chemical plants. We were well aware of the fact that our demands could only partly be met by the Furstengrube, and that at first we would have to receive coal from other sources, too, for a long time to come.

Q. It had further been stated that Messrs. Dr. Duerrfeld, Dr. Braus, Dr. Faust, Dr. Sabelsberg, and Mr. Doemming, who formed the staff of Farben-Anschmitz, only thought that they were entitled to actively participate in the foundation of Furstengrube because authority had

been given by you to call construction conferences to set up quotas, or to acquire workers. Now my question is, did you, Dr. Buefisch, ever give any orders to the said gentlemen to the effect that they should interfere with the business management of Fuertengrube and the work there?

A. No, I am of the opinion that this description of Falkenhagen, gives rise to an absolutely erroneous picture. I gave no authority to the said gentlemen and I really was not entitled to do so. That would have meant my interference in the business management of the enterprise. Even from the point of view of my feeling as a technical man, I would not have done that. I certainly would not have done that in the case of Falkenhagen because I knew that he is a very sensitive man and that he did not want any one to interfere with the way he conducted the business. But it is true that certain contracts were established and the gentlemen conversed with each other for the reasons I have already described, but these conferences quoted by Mr. Falkenhagen doubtless came about because Falkenhagen, in his capacity as plant leader and business manager asked for them, and I naturally told my son, namely Mr. Braun, who dealt with this matter, to maintain contact and to give the necessary information. And even to assist Falkenhagen if they so wished. Naturally, I told that to these gentlemen, but beyond that I gave them no authorities. I wouldn't have been entitled to do that.

Q. You said you would not have been entitled to do that. Can a chairman of an Aufsichtsrat transfer authority which he, as such, holds to another person?

A. From my point of view he can only do that legally if a member of the Aufsichtsrat is being assigned to the Vorstand or to the management of the enterprise. It is only then that he has legal authority.

Q. At any rate he can't delegate any authority to any third party?

A. No.

Q. Dr. Bortofisch, what is your opinion with respect to Falkenhagen's assertion that he currently informed you about the daily business events and that you had every opportunity to inform yourself about every detail in which you were interested.

A. Every member of the Aufsichtsrat naturally can discuss everything with the Vorstand of a company and can ask the Vorstand about whatever he wishes, but, in the final analysis, that is not the task of the Aufsichtsrat. The discussions which I had with Mr. Falkenhagen were on an entirely different basis. He mainly discussed the financial needs of the mine with me, since that was the weak point for Fless. He did not only discuss this point with me, but also his other financial worries with respect to the electricity enterprise, Oberlaxisch. Moreover these meetings were mostly at Berlin, where he visited me whenever he was in Berlin during lunch time and then sat with me for about half an hour. Apart from that, he naturally informed me during the Aufsichtsrat meetings about the things a business management has to disclose to an Aufsichtsrat. He may have made some other remarks during our meetings, but of course I could not possibly remember them in detail.

Q. Was any information about the details of the enterprise disclosed by Mr. Falkenhagen, or were you actually given occasion to ask Mr. Falkenhagen for any such details about the operation of the enterprise?

A. No. Generally I don't recall any special subjects. I only know that he frequently discussed, perhaps during these occasions he mentions, about the coal types which is a very interesting problem of the Upper Silesian territory. After all, he was an expert, he was a specialist, and he knew quite a lot about that. I was very interested in whatever he knew, but I never had occasion to ask him about operational matters because I was absolutely convinced that Mr. Falkenhagen was one of the oldest and most proven plant leaders of the Upper Silesian territory.

Q. Mr. Falkenhagen says in his affidavit that he regularly and currently informed you about the supply of material and the allocation of labor. What can you say about that?

A. I would really have had to sit in the business management if I were to have been informed about these matters. He only informed me about it in the way I just described.

Q. Furthermore, it is stated in that affidavit, I quote, "Upon request at Farben there were regular construction conferences during which Mr. Falkenhagen told the gentlemen of Farben..." I think these are the four previously mentioned gentlemen... "and now their active support in overcoming such difficulties." Did you, Mr. Binstofisch, ever attend any construction conference?

A. No.

Q. Did you ever occasion the calling of such a construction meeting?

A. No.

Q. Thank you. During the presentation of the Prosecution's case, a number of documents have been submitted which were to prove that Farben directly participated somehow in the business management. Would you generally define your attitude towards these documents? I can show them to you if you wish. It is the entire book 81.

A. I know about this matter. A number of documents are contained

in that book which show the internal business correspondence of the Fuerstengrube to the Mine Administration and the Mine Administration to Fuerstengrube. The administration, in turn, wrote to Auschwitz if they had any requests to make to the commercial department there. All the documents which I saw constituted internal correspondence of Fuerstengrube, G.m.b.H. I saw these documents here for the first time. After all, they do not concern me.

Q. Among these documents you also find some from which it becomes apparent that the organization of Farben at Auschwitz also concerned itself with the care and administration of labor camps and probably also of the camps which housed concentration camp inmates near Fuerstengrube. What do you know about that?

A. I saw that from the documents here. It is possible that Duerrfeld told me about that occasionally. It is possible that the feeding and housing of the camps was, for reasons of expediency, taken over by the commercial department of Auschwitz upon the request of Fuerstengrube. From a purely economic point of view, that really is a reasonable solution. The wholesale buying for employees amounting to 25,000 men or more, naturally demands an organization capable of buying all the necessary food. For these reasons, Fuerstengrube probably asked whether Farben could not assist them, but all these are details which I only remembered when I saw these documents here.

Q. Dr. Buechele, apart from Director General Falkenhagen, Bergassessor Dueser and Mr. Ottomann whom you mentioned, did you know other gentlemen from the operational staff of Fuerstengrube?

A. I remember that perhaps once I saw the Mine Director Kroeger who has been mentioned. Once or twice perhaps I saw Director Hermann. He was a machine construction engineer. I don't remember the names of any other gentlemen who were active there. Mine Directors and "Berg Directors" or whatever they were called. I really had no contact with anyone else.

Q. Mr. Buechele, in Book 31 a number of affidavits have been

submitted concerning the treatment of workers. These affidavits partly deal with details. From your part, can you give us your attitude concerning these affidavits?

A. I am not in a position to do that. I don't know about the individual mining enterprises. I don't know of any of the details which are stated in these documents. The entire labor allocation was under the administration of the Fuerstengrube, that is to say, the mining directors at the individual mines. I think Falkenberger stated that here.

Q. Is this true only of Fuerstengrube or also of Janinagrube?

A. That is true in the summary of the Janinagrube. Janinagrube was affiliated to the Fuerstengrube. It was cared for entirely by Fuerstengrube from an operational point of view.

Q. What do you mean by affiliated, Dr. Bueckisch?

A. The Janinagrube, through the Trustee Agency East, had been turned over to the Fuerstengrube so that Fuerstengrube should act as trustees over them.

Q. In concluding this subject, Dr. Bueckisch, I should like to ask you to look at your Document Book #1, that is, Document Bueckisch 163, Exhibit Number 133. Would you please describe that document briefly to the Tribunal?

DR. FLAEBCHNER: Your Honor, this is the map which says at the right lower corner "Steinkohle Minen in Upper Silesia", (hard coal mines in Upper Silesia).

BY DR. FLAEBCHNER:

Q. Have you found that document?

A. Yes. That is a map showing the distribution of the hard coal mines in Upper Silesia. This map emphasizes the holdings of the Fuerstlich Pless and Janina Mines. It becomes apparent from the red lined part of the map that for the foundation of Fuerstengrube a small part of the property of Pless A.G. had been selected. The Pless enterprise as such with all its hard coal holdings naturally remained independent. One furthermore recognizes on this map the location in

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relation to Auschwitz directly south of Janina Mine. In between that, flows the Vistula, and about 15 kilometers to the north there is the little red spot, which is the Furstengrube. All the mines marked in that map are not coal mines, but prospecting rights have been promised to various firms along that territory. I think that is all I can say about this map.

Q. Dr. Rustefisch, the Janina mine on this map is shaded with red pencil diagonally?

A. Yes, this is the district of the Janina Mine.

Q. This is not one united and established coal compound, but also a territory where coal might be found?

A. All these areas do not show how much coal is there. There can be a large area with little coal and small area with a lot of coal. These are merely the limitations of the mines.

Q. Thank you very much. Dr. Rustefisch, let me now come back to your affidavit which you gave on the 19th of February 1947 and which was submitted by the Prosecution here as VI Document 4182, Prosecution Exhibit 1415. This is contained in Document Book 72 of the Prosecution.

A. Do you want me to say something about that document?

Q. Well generally can you tell us something about the formulation of that affidavit?

A. Yes, I have to make a number of corrections. Under paragraph 2, it should read, "The proposal was submitted to the Tea by Dr. Ambros and the Tea accepted it." It should not read "The Tea and the Vorstand." Dr. Ter Meer explained here in detail what exactly was submitted to the Vorstand.

It says here, "During the winter 1940 to '41 Ambros proposed in connection, etc." After I read that, I remembered once more that it was in March, that is the end of the winter really. It says furthermore that according to the statement of the Labor office, the presence of the concentration camp favored the construction of the Buna factory. That must be understood in the following way. Ambros reported about that after the allocation of workers had been decided by the Goering order.

It says under 5, "The Tea and Vorstand did not protest against the allocation of inmates at the Farben plant of Auschwitz." I can only say what I said before, namely that Ambros presented this matter to the

for only. It says there further, "In the construction of the camps, the transport of inmates took up too much time." Let me point out that the spreading danger of epidemics played a considerable part there, and it was intended to avoid that danger.

Under 4 I said, "The plant leader of Auschwitz was Dr. Ambros." Actually really, it was Ober Ingenieur Hurr who was at the construction place, then it was Mr. Ernst, and later the plant and installation engineer responsible for the construction was Dr. Duerrfeld. Dr. Ambros really concerned himself with the broad policy, in the same way as I was responsible for the same part of Sparta I. I think these are the essential points.

Q. Dr. Justefisch, I am now turning to a further count of the Indictment. At the beginning of your examination Monday Morning, you told the Tribunal that you became a member of the Party at the end of 1938. Tell me, did you at any time before that belong to any political party?

A. No, I belonged to no political party, and I was not active politically.

Q. How did your entry into the Party come about, what was the reason?

A. At first the gentlemen of the plant management, Mr. Schneider, Dr. Bauer, Dr. Strooback, Dr. Dehnol, and myself upon request of the Gauleiter in the year of 1936 or beginning of 1937, registered for entry in the Party.

Q. In other words, all the important men at Leuna registered for entry in the Party?

A. Yes. I remember that in the same way as Dr. Schneider explained it here. The Kreisleiter made this general demand on us.

Q. It comes to my attention that although in 1936 you registered for entry into the Party, you only actually joined the Party at the end of 1938. How can you explain that?

A. At first the so-called Party court turned down my application for entry into the Party. They added the remark that they could not give any reasons.

Q. When was that?

A. That was in the middle of '37 as far as I remember it.

Q. Were the other gentlemen who registered together with you accepted without any objection?

A. Yes, as far as I remember. As I learned later, I was not accepted because I had formerly belonged to a lodge, although I had already left this lodge much earlier because of some personal differences; but at any rate, the rules were that anyone having been a member of such a lodge had to be rejected, but that was not expressed in writing.

Q. Was the rejection of your Party membership of disadvantage to you? Could you actually feel any disadvantages arising from that fact?

A. I must say that at a place like Lons with 12,000 inhabitants where they were all close together, the rejection, of course, became known in all circles, and they saw to it that it did become known. You can quite imagine that that wasn't exactly to my advantage. In such a very small place and in an enterprise which is working right under the eyes of the Gauleiter, the Kreisleiter, and the Ortsgruppenleiter, you had to do with these people whether you want to or not. It is quite clear that they tried to avoid this matter as much as possible because I was rejected, but I had to take it; but naturally it caused me a considerable amount of difficulties. You mustn't forget that in addition to these Party offices, we had the governmental offices. Next to the Gauleiter there was the Regierungsräsident, and next to the Kreisleiter there was the Landrat, then there was the Gen. Chief of the Labor Front, the Gen. Economic Advisor, and whatever they were all called. We had to rely in many cases upon the collaboration with these gentlemen, and that also concerned my technical demands. I must say that you cannot circumvent contact with the Party or Party agencies when being in charge of a plant.

Q Were you asked to join any affiliations of the Party before that?

A Yes, that is true. Of necessity, a number of affiliations approached us and also approached me personally. For instance, the NSFK, the German Automobile Club, was transferred into this NSKK.

Q Were you a member of the German Automobile Club, and that became a member of the NSKK?

A Yes, those two organizations merged, then I also became a member. I think that handled jointly by the direction of the National Socialist Aviation Corps, that had to do with glider flying. It was generally said that the more wealthy people had to pay for these organizations and you just couldn't get out of these memberships. I must add here that I was a supporting member of the SS, for the reason which was mentioned by Mr. Schneider. That was in 1933 and 1934. At first, they didn't come for any fees, but that didn't take long, they soon wanted their money. I stated that in the questionnaire which I had to fill in the prison, I was asked about that. Let me draw your attention to the fact that that wasn't mentioned in the list, I don't know why it was forgotten. At any rate, I really didn't connect any actual membership in the SS with that, but at any rate, I want to mention it here.

Q Dr. Baetofish, in the fall of 1937, if I understood you correctly, you were rejected from membership in the Party, but then at the end of 1938, you did become a member? How did that come about?

A According to the general conception held, it would have been impossible for me to get into the Party at all. During my activity as advisory member of the Vorstand in the soft coal industry, I made the acquaintance of Mr. Kranefuss.

Q Dr. Baetofish could you briefly tell the Tribunal who this Mr. Kranefuss was?

A Mr. Kranefuss was known to me slightly from my student times at Hannover. He made his matriculation at the college there; however, I never saw him again and it was a very superficial acquaintance. In 1934 to 1935, I saw him once again at Koppler's office, where he was one of Koppler's associates. Later, and I think it was at the beginning of 1935, he was asked by Minister Schacht, or President Schacht, to become a member of the Vorstand and to represent the commercial interests of Braunkohl-Benzin, Aktiengesellschaft. In this way, I met Kranefuss more frequently, because I had to deal with him because of license negotiations. On that occasion, I learned that Kranefuss held an SS rank and that he had a great number of friends in industry. He was a man who was always ready to help. He was very capable, he was very amiable, and on the other hand, he was also very reasonable, and I would also really call him an egocentric personality. During conversations I held with him, he told me that he knowingly entered industry because he was well aware that particularly in industry, very much would be destroyed because of the revolutionary situation if one did not take heed. He said that it was the task of the men in industry to see to it that no excesses take place, and that no damage was done by the "Little Hitlers", as he used to call them. He said that one would have to defend one self against that. This was his basic attitude.

Q Did you, Mr. Bucofish, repeatedly discuss the problem with Dr. Kranefuss that the Party tried to coordinate everything in industry, that is so to say, that the Party tried to bring industrial life in step with their own aims, and what was Dr. Kranefuss' reaction to any remarks of that kind on your part?

A Well, that was the general slogan in industry and in our entire life, coordination, Gleichschaltung. I must say that in Kranefuss I saw a man who had very reasonable ideas in that respect.

Q Did you ask -- were you able to get Kranefuss' assistance for your associates which had difficulties in the industry because of these so-called coordination aims?

A Yes, Kranefuss offered that assistance to me. He said that in view of these various movements, excesses would often take place, and he said that he would be quite ready to help me whenever I voiced any such request. I answered that at the moment I didn't need any help, but if I knew of any other people who in any way got into difficulties, I would certainly turn to him. He said that at any rate he would try and do what he could to help.

Q Did any such cases come up?

A Yes, I remember very clearly the first such case. This was my associate, Dr. Jacobi, of the nitrogen syndicate, with whom I very closely collaborated. He was of Jewish descent and he wanted, of course, to leave the country. That wasn't simple because he would not have been able to take his property with him. I quite openly and frankly told Mr. Kranefuss about that case. Kranefuss intervened on his behalf. I don't quite know how he did that, but Jacobi did receive his passport. He could take his property along with him, and during the subsequent years, he was able to go back and forth between Germany and England. I appreciated Kranefuss' assistance and I was very glad that he was able to help a man who, after all, was a very close friend of mine, who collaborated with me very closely.

Q Well, that was Kranefuss' assistance to Jacobi, but let's go back to the core of the question. Your request for acceptance into the party had been finally rejected. Since at this time in Germany this certainly was no recommendation to you, did you discuss that matter at any time with Mr. Kranefuss?

A Yes, naturally we discussed that matter. He asked me why I wasn't in the Party, and I described to him how it came about. He then said, "I see that that isn't quite simple for you, especially in view of your position. I think that if you would write an application, I think I could transmit it for you and I think perhaps that then your application may be granted, but that must be an application for mercy, as it were."

I naturally wasn't inclined to do that, because you have to write all these things in an application which you ordinarily wouldn't want to, but I must say, for pure reasons of expediency, I resolved to do that, because in view of my position I held at Lums, it was very difficult for me, because I was the only one of the management who was not a member of the Party. It was really impossible for me to step out of the Party if my own work, wasn't to be interfered with. That was the reason why I made this application for mercy, as it were.

Q And Kranz fuss sponsored this application, did he?

A Yes. How he did that in detail, I don't know. He said he would transmit the whole affair, that he would write the necessary recommendations, and he thought that I would be accepted. He said he couldn't guarantee it, but he said he was prepared to help in such cases.

Q At any rate then, in December 1930 you were accepted into the Party?

A Yes, I was told that "Your application was granted." I don't remember the exact text, at any rate, I was informed.

Q After having been admitted into the Party, were you politically active in the Party? Did you hold any office in the party?

A No. As I already said, I did the whole thing for pure reasons of expediency, because I thought that it would be sensible to do it.

Q Now, Dr. Baetefish, the Party had a program. This program was proclaimed and the Party always celebrated its Party program in February, I think. Before your admission into the Party, seriously did you think about this Party program?

A Quite openly, I must say no.

Q Was your attitude quite negative to the Party, and did you think that all the points contained in the program were bad?

A It would be wrong for me to say that. In particular, at our plant I saw what the good influences of the Party were on all of the employees.

I remember the work of the Labor Front in the social sphere, which was quite a blessing to the workers, and I could name other spheres, agriculture and many other spheres, in which the Party had positive-- successes which were -- even a reasonable man, a man who had common sense, would say, "well, one must say that is quite good," but on the other hand, and that particularly applies to the Labor Front, you could see what the dangers were of National Socialism. The first successes meant the influx of the masses at large, and therefore brought about a strengthening of the Party, they strengthened its influence. This influence, in my opinion, was then misused. The Labor Front became predominant in the plant.

A. (Cont'd) They wanted to influence not only the social questions, but they tried with all their Party offices to move ahead, and tried to interfere with matters concerning the plant itself, even with technical matters, and then it was our task to oppose that influence, to conduct it into reasonable channels. That I considered my task and considered it the task of my colleagues. I wanted to oppose this influence as far as I could. Naturally, you can't hit your head against a stone wall, but you have to take the most reasonable way out, as far as that is possible.

Q. As a purely nominal Party member, did you have any influence at all?

A. No direct influence, but once one was a member of the Party, one at least had a possibility to talk to these people. They couldn't just pass one up, and depending upon the effort one made, one could perhaps have some success with one or the other.

Q. Dr. Gustofsch, tell me, did you exploit Krenofuss' acquaintance in other cases than in the case of Dr. Jacobi? Was it possible for you in this way to alleviate some hardships or to avoid them?

A. Naturally, I tried it whenever I heard of any difficulties. I knew that Krenofuss perhaps had channels through which he could help. I thought it to be my duty to help such people, that is, whenever excesses took place and I thought that they were unjustifiable. For instance, at Leuna we had a Jewish chemist whom we employed. He was a colleague of mine and I thought greatly of him, and because of the guletter and because of the very many rules which existed, he had to be fired. I intervened on behalf of that chemist and here again I at least managed to see to it that he remained in the plant up to the end of 1938. Then, however, the pressure became so strong because of the legal regulations that the man had to be dismissed. I talked to Dr. Schneider and I told Dr. Schneider that we really would have to give him money and give him a pension, etcetera. Beyond that, I contacted Krenofuss and asked him to get the man a visa so that he could go abroad. I talked to Standard

Off and Shall and asked them whether they couldn't find a job for this very capable chemist, who unfortunately had to leave. They said they would do that. Here again I was able to see Krenofuss' willingness to help and I appreciated greatly. That is not my merit, I merely did what I considered to be correct as a result of my inner convictions.

Q. Dr. Krenofuss, as far as I am informed, Krenofuss was a higher SS leader, is that true?

A. Yes.

Q. Isn't it somewhat peculiar that one was able to turn to a higher SS leader in order to get help for Jews?

A. Well, generally speaking, that would be true what you said, but it is quite simple, after all, to say that I help without being able to say how to help. I think it is important to get into contact with somebody whom one must assume that he has a certain influence in order to get somewhere.

Q. Well, it is very strange that Krenofuss had enough appreciation of those difficulties.

A. Krenofuss himself told me frequently that he was brought up in the Jewish banking business, and that he had still a lot of contacts with his former employers. His entire conception was reasonable, and he always said that one would have to oppose such excesses. He said one needed people who showed such opposition. I agreed with him on that and that is why I showed confidence in him and that is why I often turned to him. I believe that Krenofuss was known for that attitude, not only to me but to also other gentlemen of industry. He told me personally that he firmly believed that this trend would change. He said, however, that one would have to show a sufficient amount of opposition, not only opposition by one, but opposition by many.

Q. During 1937 to 1938, couldn't one often see signs in Germany from which one could hope that the Party would adopt a more moderate line, in other words?

A. I am not a politician, I am not an expert in these matters, but I

think a great number of people hoped and had the feeling, and I also hoped, because of my conversation with Krenn, that the whole trend would develop to a more moderate course. That was my hope and I say that very frankly.

Q. Then we had this horrible Crystal Week.

DR. FLAIGHER: Your Honor, this is a very unpleasant technical term. In November 1938 for three days in Germany a very violent persecution of all the Jews took place. Since many window panes were broken during these days, the expression Crystal Week was coined.

Q. How did you react to that incident?

A. At home, being very far away from a big city, we didn't notice very much of that, but I did learn of it. Naturally, I talked to Krenn about it at the earliest opportunity. I told him that I thought that something like that was entirely incomprehensible. He answered, "Well, you are right. I think that these are irresponsible actions by hoodlums." He mentioned the SA and the SS. He mentioned there were uncontrollable elements involved, and he said that since he was acquainted with Reichsfuehrer SS Himmler, he immediately went to him and asked him that such actions could only damage the German prestige, and he asked him to interfere immediately. He said to me that Himmler had promised that he would do that. This courageous attitude made a great impression on me, and it was really in accordance with Krenn's attitude.

THE PRESIDENT: The Tribunal will rise for recess.

(A recess was taken.)

THE MARSHAL: Persons in the courtroom, please take your seats.

The Tribunal is again in session.

DIRECT EXAMINATION (continued)

HEINRICH BUETEFISCH

BY DR. FLASCHKE: (continued)

Q. Dr. Buefisch, did Kranz fuss help you in the Baumann affair?

A. Yes, he did. Although it was not possible to prevent Baumann's arrest by the Gestapo, I remember that Frau Baumann came to me; she was very excited and told me about all of this -- he had been denounced; he was accused of having listened to the foreign radio, and was thereupon arrested. I immediately tried to help Baumann, but I believe that was in the end of 1939 or the beginning of 1940, Baumann died of pneumonia while he was under arrest, as I learned later. At first I was not able to find out where he was.

Q. A relatively short time after you joined the Party you were appointed SS Hauptsturmfuehrer. Will you please tell the Tribunal how this came about?

A. That was because of my connection with Kranz fuss. Kranz fuss was probably the only SS officer whom I knew at all who, as I said, was very helpful to me, who doubtless had a high opinion of me, because of my work with Dr. Baug, and was interested in my friendship or at least my acquaintanceship; and he said to me one day that he wanted me to accept an SS position. I said, "I haven't been in the Party long. Why should I do that? That's nothing that I am interested in." And he said, "Mr. Buefisch, that is a sort of honor. From a certain rank on there are SS officers, Gruppenfuehrer or others, who have specially high positions who have the possibility of suggesting their acquaintances from the industry and the administration, for so-called honorary officers. Please take this as a wish on my part and intended as an honor for you,

I have the opportunity of suggesting your name." I thought the matter over and finally I said to myself, "Well, you have to work with Kranefuss in the Erabag and he has always been a decent fellow and has helped you and in some cases has helped third persons at your request, You don't want to offend him." And actually, I thought to myself, that it would be wiser not to refuse his request. I did this only after long hesitation and I tried to evade, but I know that he was sensitive and I know that my other colleagues in the Erabag thought it important that in view of how sensitive he was I should remain on good terms with him in order to be able to settle any personal difficulties that might arise. I said to Kranefuss, "I consider that an honor, whether I have deserved it or not or whatever the purpose might be, I do not consider whether it means advantages for myself, and therefore I won't wear any uniform and I won't perform any service and I won't leave the church and I won't take any oath and I won't make any use of it at all, and, therefore, I don't know whether you're interested in this honor particularly." And then Kranefuss said, "Bistofisch, please do accept, because if you ask for help for a third person I have a certain justification in this way and I can say, 'That's Bistofisch who was appointed honorary officer.'" "And besides," he said to me, "there are thousands of honorary officers in the Reich and there will be even more that's owing to personal acquaintances." So I must say quite frankly I did that because I thought it wise and right because I considered Kranefuss a decent fellow and I couldn't refuse such a request from him. I would have considered that an affront to him.

Q. Now, how did you come to be taken into the SS? How did it take place? Did you make an application? Or how did it happen?

A. I cannot tell you exactly how this all happened. I remember only that the men who were allowed to make such suggestions had to give a questionnaire to the person in question and I remember filling

it out and that one had nothing further to do with the matter. Krane-
fuss said to me there were provisions about that and I didn't take any
further interest in it, and I didn't take any interest in anything
connected with the SS later, and I didn't discuss this honorary rank
that I got with anyone. People learned it through the third party
or through a letter or conversation or some other way, but I did not
make the slightest use of this matter.

Q. After you were accepted did you have any active part in the
SS?

A. I have already said no, in no way.

Q. Did you have a command?

A. No.

Q. Did you perform any service?

A. No.

Q. Did you receive or pass on any orders?

A. No.

Q. Did you attend any SS courses?

A. No.

Q. Did you participate in any parades, any similar functions?

A. No.

Q. But it is said that you served with the SS Hauptamt, the SS
Main Office. What do you have to say about that?

A. Yes, I read that too in the Trial Brief or some document. I
can only say that the honorary members were kept on some list. Whether
it was in the Oberabschnitt, as it was called, or in the SS Hauptamt
or some other place, that was surely a purely administrative matter.
That is all I know about it. I don't remember where I was kept on
the list. Presumably, I was informed "You are registered at such and
such place," but that has nothing to do with any service. I didn't
perform any service in the SS Hauptamt.

Q. You did not take any oath?

A. No, I did not.

Q. Dr. Biedorf, a remark which has been made in the course of this trial gives me occasion to ask you: Did the fact that you had an honorary rank in the SS have anything to do with your activity for Auschwitz?

A. No, certainly not. That was decided in the Party and there is no connection.

Q. Did the fact that Dr. Bisfold and Mr. Bistler allegedly belonged to the SS have anything to do with their employment there?

A. I believe three men were mentioned, of whom I did not know that they belonged to the SS. We never discussed it. Dr. Bisfold came from Ludwigshafen, I believe. I didn't appoint the other two men either. I didn't know that they were in the SS. I never had any such connection of ideas. These things were quite outside my train of thought.

Q. Did you leave the church?

A. No, I did not. On the contrary, during the entire National Socialist period I was active in support of the church.

Q. Dr. Biedorf, please speak briefly about what you know of the position of the SS in the Jewish question in connection with concentration camps and so forth.

A. I have already said that I considered it my duty to help persons persecuted for racial reasons whenever I heard of such cases, but I helped other people too and I know that there were concentration camps after some date. Every German knew that. My opinion was that people who were sent to concentration camps were people who had been guilty of some sort of offense, perhaps only that they had been denounced as I saw in the Bumann case. Later I knew that the legislation affecting Jews attempted to put the Jews in so-called Ghettos, that there were also sent camps, that these camps gradually assumed the character of a concentration camp, but one could never distinguish between people who

were sent there because of some proved transgression and was not, and I personally always felt very strongly against looking up people against whom it could not be proved that they had done something positive. No one could prove these things. That was impossible in the Third Reich. Where it was attempted one came up against the regulations, and I remember very well that of various Gams it was said, for example, "Whoever helps a Jew is a public enemy; he does not belong to the German people." These were all threats which were sufficient to send a person there too if he tried to help someone in some form. I did not have the impression that this was definitely an SS matter. As I have already said, I discussed the Jewish question with Dr. Neufuss and he said, "That is because of the laws and the regulations that come from higher authority and one can oppose them only by working in individual cases." And that was my attitude too. I wanted to help wherever I could. That was shown by my experiences. It was simple, of course, to say, "What business is that of mine? Everybody has to help himself." The other way is to help where one can as much as one can. That is the more difficult way. I admit that, because one has to go into the front line, one has to keep contact. This other way is to give such aid, even if it is only for two or three people sometimes; otherwise, such aid is impossible. And I did take this second way, and I must say I don't regret that I was able to help people and I must emphasize that I don't want to represent that as any merit on my part.

Q. In the Third Reich could one contest this persecution in general, etc., at least during the wartime, let us just speak of that now?

A. I believe everyone who lived in Germany in the Third Reich knows that that was completely impossible. The only thing that would have been achieved would have been doing away with oneself; but the question always was what can one do and what do I as a human being think is right. How far can I go, in order to help here and there, and that was very very difficult to decide.

Q. Could you ever have resigned your SS Rank?

A. That would doubtless have been an affront which would have had a bad effect for me, aside from the fact that this would have spoilt my chances of helping any one else. One must not forget that for all who were in the Party, or belonged to the SA or the SS, resigning would have meant being excluded from the so-called People's Community. These are all things which result in practical life. In other words, it was impossible.

Q. Now Dr. Baerofisch, in Book 91 the Prosecution has submitted a report on you, which was made to the RSM. This has reference to Document No. 1580 - - Document KI-10624, Exhibit No. 1580. Mr. President, this Prosecution's Exhibit No. 1580 I shall now hand it to the witness, and I ask you, witness, did you know of this supervision of your person?

A. No, I didn't. I read that here for the first time, but I must say quite frankly, and I said so to my colleagues, I had the feeling that we were being watched in some way, and I saw that this practice prevailed so far as to follow it up as to the family-life.

Q. If I remember correctly, it was different in 1940, and the following years you had the feeling that you were being watched, but you had no concrete evidence?

A. This letter is of January 1943, and I believe this is proof of it, that I had no concrete evidence, and I told Kronefuss about this feeling I had, and he said that is quite out of the question, these are

measures of the Gestapo, but I believe the Gestapo kept an eye on everyone who was of any importance in Leuna and knew enough. But I didn't realize that they were interested in my family, too.

Q. Dr. Buehofisch, what did you know about the criminal actions with which the SS is charged?

A. I know nothing about these criminal actions. I can say quite frankly during all of this time I considered such things impossible, and even today I consider them crimes and that a normal person can not think of such things.

Q. When did you hear for the first time of the gassing and mass extermination of human beings in the concentration camps?

A. I believe I have already answered that. I heard of it after the occupation of Leuna, when we could listen to the radio again, and I heard of everything that was supposed to have happened in Germany.

Q. Dr. Buehofisch, who of the leading men, that is, of the people in Hitler's circle did you know?

A. I believe I have already said that in 1932 I saw Hitler himself. Then I saw Hitler again in 1944 in May in Berchtesgaden. Professor Krueck already described this meeting. In May 1944, after the second big air raid on Leuna, the Armament Minister ordered us to come to Berlin immediately. I was put in a plane and flown to Berchtesgaden. There were about twenty-five or thirty of us altogether. We were taken into the conference room at Berchtesgaden in the house where Hitler lived. I was the first and I was to describe the air raid on Leuna. The Armament Minister, of course, had told us beforehand that that was the purpose of the meeting. I did this, very frankly and clearly I told Hitler and Goering, who was present, and all the officers who were present, and Minister Speer was there, I told them what had been destroyed, and what my opinion was; whether this could be used for further warfare, or whether it should be closed down since there was no protection. I believe I was the first one who was yelled at by Goering, and he said, "I was to answer precise questions and not give

my opinion, and how one could build such a silly big plant like the
lount plant," and he was attacking me and Professor Krauch at the same
time. Professor Krauch said "He didn't build it for war, he built it
for economic considerations." He said to me, "One can see it for over
one-hundred kilometers away when you build such big plants, and it was
a target for any plane." That was the second meeting that I had with
Hitler, and my last one. I must say that I was astounded after I had
seen the man in 1932 looking so healthy, and here I found a man who in
my opinion was very seriously ill, but that is my personal impression.
He himself took very little part in the discussion. He merely asked
a few very clear and objective questions, as I saw it, and then Professor
Krauch and others were questioned, and the meeting went on.

Q. Did you see Goering on any other occasion?

A. I didn't see Goering on any other occasion. That was the only
meeting that I had with him at all.

Q. What did you know of the leading men around Hitler aside from
Hitler himself?

A. The only one, if I can to include the Ministers and big Party
men, the only one that I saw two or three times but not alone, in
conferences was Minister Spoor, who once gave us instructions. I saw
him but I didn't negotiate with him personally. I believe -- no, I
have not mentioned as yet that I saw Koppler before, the Economic
Advisor of the Fuehrer, and I talked to him. He was head of the
Braunkohle-Benzin, Aktiengesellschaft for a long time. Otherwise, there
was no direct contact with any Party leader or gauleiters, or any other
functionaries aside from my acquaintance with Krauch, whom I have
already mentioned. Here I might make a distinction between knowing
and meeting them. I saw one or two of them, but that is not particularly
what you mean as I understand your question.

Q. What about Himmler?

A. I saw Himmler in the Circle of Friends in their evening meetings.
He was introduced to me and so far as I recall I saw him on two or three

such occasions, and then once went with this group when invited to his Headquarters, but there was no more than an introduction. He heard my name and I heard his name, but I didn't talk to Himmler at all, otherwise.

Q. Did you ever participate in any big Party functions?

A. Yes. In 1938 Kranefuss asked me to go to a Party Rally. He had arranged that with his Circle of Friends. I was at the Party Rally two or three days, and looked at the big spectacle.

Q. Did you meet any other leading personalities there?

A. No, I was with business men who had also been invited, and doubtless all this big advertising show was to make a big impression on them.

Q. Then there was the participation in the meetings when the Circle of Friends met. Will you please tell the Tribunal first of all how this came about?

A. Again in the same way as with my appointment to the SS Rank, that Professor Kranefuss since the beginning of 1939 asked me whether I would not like to accept an invitation to attend a group headed by Keppler which was called "The Circle of Friends." I don't know whether he said Keppler's Circle of Friends, or Himmler's Circle of Friends. Anyway, both names were used. This group, he said, met at certain intervals monthly. Of course, they did not meet in the Summer. They met on a social basis to discuss questions of the day. To exchange economic opinions but on a purely social basis. Then he said to me that Keppler, who was Chairman of the Aufsichtsrat of Brabag was the senior of this group, and he would be happy if I could come. Now, when one is in the Vorstand of a Company it is difficult to refuse such a request, and I didn't do it. I went there and I looked it over, but I did say to Kranefuss beforehand.

"There is one thing I want to ask you. Would this involve any obligation or any commitment of any sort." He said, "No, certainly not. It is just purely a social affair." I was there several times,

and then I was invited regularly. Thus one always got written invitations to these things, and I always felt that it was purely a social meeting.

Q. Will you please describe to the Tribunal what such evening was like. First of all another question. What kind of men were these persons who met there?

A. I met business men there, whom I know from business contact. Men who had something to do with I.G., who were well known in the economic circles, and who were considered leaders in the business field. As for example, the General Director of Siemens, Herr Bindi. Then the Director from Winterhall, the big potassium company. The General Director of the North German Lloyd; the Hapag; the Reichsmetall-Borsig plant; people from banks, and those men one I didn't know as well, the United Electrical Works, and some other industries I don't recall at the moment. But at any rate the majority of these men were known in business life, men with whom I had spoken to before, and perhaps even negotiated with.

Q. Did you always see the same faces at these meetings?

A. Yes, those were the men that met there and whom I saw, and on one occasion I was invited there with a Herr Blossing, because of our business, he was the former Director of the Reichsbank, and who was for a long time Schacht's righthand man, whom I know very well, and of whom I had a high opinion as a friend. We were invited together to come to this group. Up to the beginning of the war I always saw the same people as often as I was there, I remember those men I have just mentioned.

Q. I forget to ask you when approximately were you first invited by Krafuss?

A. I can not tell you that exactly, but I believe it was in the beginning of 1939. It was like this: he said, I would be glad to have you come, but I can not tell you exactly about what time.

Q. Very well. Now will you tell the Tribunal what such an evening was like. First of all, how often did you meet?

A. In general we met once a month; in the Summer when people were away on a vacation, I believe there were no meetings for three or four months. But to Mr. Krafuss such an organization in my opinion was his hobby. He had organized it, and he was very much concerned about it. He enjoyed organizing such a thing, and I always felt that he enjoyed

it perhaps he exaggerated in speaking to Himmler about it, but that was his business. So far as we were concerned it was like this: The meeting took place once a month in former Herrenhaus, the Haus der Flieger; we met at about eight in the evening, first to drink a cocktail and then we ate dinner, and Kranzfuss seated the guests. After the meal, as is customary, the people got up and went into the next rooms, and sat down at small tables and talked, and as far as possible one sat at a table where were persons one knew and liked, and where one thought one would enjoy the conversation.

Q. Did you have an impression that the men in this group, as such in this group had any desire to exert any influence, or could exert any influence on economic life?

A. First of all this group was much too heterogeneous for that. I believe every one knows that when you meet with people from other industries there are as many opinions as there are people, and, therefore, the economic policy was never discussed at those meetings. I believe that would not have been very desirable for such a social evening, it might have caused arguments. That was just an evening of pleasant conversations without any definite subject being taken up. I believe it was just conversation, we enjoyed seeing each other, and, during the war, especially, that was nice, to talk to friends from other industries and to discuss things man to man.

Q. Were any questions of an economic political nature brought up for discussion?

A. Not while I was present. I remember only that once when somebody, I don't remember who it was, started such a question and he was immediately interrupted, and it was realized that in such a heterogeneous group such a thing would have been completely impossible.

Q. Were any decisions reached?

A. This is not an association. It was just a social evening. There were no questions asked that involved any decisions.

Q Was there any organization of the nature of a society? For example, did you have meetings of members? Did you have a Vorstand? Did you pay dues?

A No, nothing of the sort.

Q Now, lectures are supposed to have been held at these meetings. Can you recall that?

A Yes, I can recall some lectures, but they were of a cultural or literary nature. Or at any rate they were for the purpose of entertainment. These were highly educated people who met there. I remember Mr. Halferich, who was later administrator of the D.A.P.G. and general director of one of the big shipping lines — I do not know whether it was Hapag or North German Lloyd. He gave a very interesting lecture about his trips abroad. I remember once a lecture with slides about an expedition to Tibet. That was interesting to me because pictures were shown which were of a general interest because one had no ideas of this part of the world. And there was once a lecture about City Planning and Architecture, but all purely for entertainment as I said before.

Q When was this lecture about the expedition to Tibet?

A As far as I can remember, it was in the winter of 1939-1940, around that time. I had read a book on the same subject and I remember it vaguely but I can't give you any exact time.

Q Now, Dr. Buxtehude, there is a prosecution document indicating that this lecture was in the year 1942 and on the same evening Mr. Kranefuss is supposed to have held a speech about Heydrich. That is Prosecution Exhibit 1537, in Book 91.

A Yes, I read that. I must say that I am sure I read those words of Kranefuss here for the first time. I cannot remember having heard any such thing. I have already said that I believe that I saw these pictures of Tibet earlier. I believe that I would have remembered that in some way because I know that Kranefuss was actually a bitter enemy of Heydrich. He didn't tell me that once, but many times. I believe Kranefuss was a little suspicious because of his work in the Jewish banking concern and one did

not forget that. But above all, he was a man who wherever he thought he could uncover a wrong he brought it up. I believe that was the reason that he believed — whether he was right or wrong I do not know — that he discovered some shady dealings on the part of Goering and reported them and he was attacked violently by Heydrich. And I believe that to the end Heydrich was not very friendly towards him. Therefore, I am sure I would have remembered it, but I do not remember having heard any such thing.

Q Now, in December 1943, there was a meeting where the men who otherwise met in the Circle of Friends in Berlin, went to Himmler's headquarters. Were you present?

A Yes, I was. Kranefuss called me up about it at least six or seven times, asking me to come, and I made an appointment with Blossing and we decided we would do him the favor. And I must say I had a certain interest in it myself because I wanted to know something about the war situation because it was the time after the setbacks which our army had suffered in the east and one had the impression that one was not getting clear and truthful information about what was going on, so we went there.

Q Can you tell me how this happened? Give me the details. I am sure the Court will be interested.

A Kranefuss organized this. We went to this headquarters. It was in some small town in East Prussia. We arrived there in the morning. We left our sleeping car. Then we were brought to a barracks city, which was camouflaged. Then we went for a walk in this very pleasant district and then we ate lunch and in the afternoon Himmler appeared. First of all, he talked to some of the men but not in the room where we were. We had to wait quite a long time, then he came. He said he was glad to see us. He wanted to give a little lecture. Before I had already been told that there is to be no discussion. Then he began and, as I recall, he said that unfortunately it was so that when there had been certain reverses at the front a defeatism spread in the German people and we had to oppose that. He had even heard that some traitorous things had happened, that industrial secrets had been betrayed, and of course he had to prosecute such cases strictly but

we could be sure that he would be just about it. That was something that rather struck me and that is why I remember it. Then he went on and talked about administrative matters within the Ministry of Interior, of the dualism of administration and how that could be changed and had to be changed. Actually the things interested me very little and I believe we were all waiting. "What is he going to say about the war?" And actually it was rather disappointing. He said there had been certain defeats on the eastern front and that there was sufficient materiel and more divisions available in order to compensate. And I remember from all his words only one thing. He said, "We will win. We will advance again, and one day we will be in the Urals, because we have new weapons." And as I recall, that was the end of the whole business. I was very disappointed when I left again and I said so to my friend, Blessing with whom I was that evening. There was no opportunity to discuss these things with Himmler. That is what I remember about the incident.

Q Did Himmler, in his lecture or speech or whatever you want to call it, say anything about labor commitment and treatment of foreign workers and similar subjects?

A No.

Q I am asking you that with respect to a prosecution document, BC-5637, Exhibit 1834, in Book 91. That is supposed to be the program for this speech.

A No, certainly not. First of all I would have remembered it and secondly I must say, purely logically, why should he talk about such things where there are bankers and mayors and all kinds of people present? And besides, such things never were discussed in the Circle of Friends. There was not a word said about these things.

Q Were such questions including the employment of concentration camp inmates and other matters discussed at the Circle of Friends?

A No, they were not.

Q Yesterday, you told about your visit to SS Gruppenfuehrer Wolff in response to a Goering order. Now I ask you, did this visit to Wolff have anything to do with the Circle of Friends?

A No, I never referred to any membership in it.

Q Dr. Bueteufisch, at the beginning of your examination you said that your inclusion in the Circle of Friends had nothing to do with your membership in the Vorstand of Farben, that you were invited to attend on a purely personal basis. But your name is mentioned next to that of Geheimrat Schmitz for a donation of one hundred thousand marks, on the list of donations. Now I should like to ask you, did you personally from your own funds make any donations at the request of the Circle of Friends?

A No, I personally contributed nothing, and I should like to emphasize once more that in my participation in the Circle of Friends and my honorary SS rank I bear the responsibility quite alone and that has nothing whatever to do with Farben. I did that personally for the reasons which I have described.

Q I see from the document submitted by the prosecution that Farben paid such a donation for the first time in 1943. Now, I want to ask you, what do you know about these donations in general?

A As far as I can remember, in the winter of 1944, probably around Christmas, Kranefuss approached me and as I recall Mr. Fischer of the Continental Oil, who had formerly been in Farben, was also present at this meeting. He approached me and said to me, "What about it? Doesn't Farben want to contribute something too, for the widows and orphans of the SS and Police? I am collecting." I said to Kranefuss, "Have you become a collector too?" One must not forget collecting was very popular in Germany in those days when there was hardly a day when there wasn't some sort of collection. To refresh my memory, I have got a list showing what. For example in 1941-1942, 1.2 billion was collected in Germany. Of course that includes some collective contributions, such as donations by industries, but street collections alone and Gau collections are all sums which in this year, and it was not greatly different in other years, amounted to hundreds of millions annually. 370 million marks from firms alone. "Sacrifice Sundays," as they were called, 237 million. Likewise street collections alone, 245 million. I must say that we were called upon for collections too. In Leuna they had such a thing. It was called, "Today is the day of prominence." The Dr. Schneider and I went around and collected with a collection box in Leuna and we were just as careful as anyone else and we had to see that everyone contributed his bit. That was the concept of collecting and no one could keep out of it. That was very carefully supervised in Leuna and everybody watched to see whether Dr. Schneider and Dr. Buetefisch on this Sunday or Monday, or whatever it was, had been out collecting. And the societies collected too, on the streets; there was the Day of the SS, the day of the SA, the day of the NSV, or goodness knows what. According to custom or according to the regulations all had certain contributions which were simply deducted from one's wages. I can give you figures again of wages and salary, in '41 and '42, 235 million deducted in Germany. After one had contributed one's bit,

one got a placard on the door that said, "You won't be bothered with collections any more, " but nobody paid any attention to that and they collected all the more from people with placards on the door. That is the general idea of collection.

So, when Kranefuss said, "Don't you want to participate in such a collection," which in this case was for charitable purposes, I said to him, "Kranefuss, I am not much in favor of all this collecting. Look at all these collections. You have to get into it too. And how do you know that the suffering people will really get the money?" He said to me, "You can be sure that it is for widows and orphans." And then I said to him, "I tell you one thing. I don't have any competence over such matters. If you want something you have to go to the Chairman of the Vorstand of Farben. I have nothing to do with donations. He is the one to decide that, or the Central Committee, whether you will be given something or not." Then Kranefuss said, "Won't you pass on my request?" and I did so. I told Geheimrat Schmitz about it on the next occasion and Geheimrat Schmitz said to me, "If they want something, they should come to me," and from that time on I took no further personal interest in these matters. And I forgot about it. I had no reason to take any interest in it.

Q Dr. Bueteffisch, do you know whether in the following years similar requests were made?

A I do not know what Geheimrat Schmitz did about the matter. I can very well imagine that this was repeated every year and that Geheimrat Schmitz was asked to contribute. I do not know whether I may have been approached again because as far as I have been able to see from the documents here Mr. Schroeder is the name of the man who administered these collections. But these are all details which may have been brought to my attention by some letter but I did not take care of them after that because I said once and for all donations are not my affair and I cannot decide about the matter. I could have decided, perhaps, for the Ammoniakwerk Merseburg. Then I would have had to discuss it with Dr. Schneider. But I refused to do that. Such small donations, not over ten or twenty

thousand marks, must be considered of very minor importance. That was something that was decided by the plant itself. But I did not take any part in it. It was not my business.

Q Now, the prosecution has submitted a receipt, that is NI-3807, Exhibit 1595, according to which Farben paid 100,000 marks. This letter is supposed to have been sent to you.

A Dr. Flachsenner, that is possible. I saw the letter. It says, "At your recommendation, at your suggestion," and it says "Dr. Butefisch, Berlin." I do not know whether I was known in that way. It may have been sent to Farben in the general manner, received as a receipt, and since I didn't pay it this receipt didn't reach me. That may be. I do not remember having received any such letter because of course I would have given it back to the office which had paid. I would have noticed this sum. I would have given it back to Geheimrat Schmitz.

I must say, frankly, I received a letter of thanks once, "We thank you for your generous aid." I asked Geheimrat Schmitz whether he had participated and he said "Yes, I did," and that was enough for me. I didn't ask Geheimrat Schmitz, "What did you give? How much did you give?" That would not have been quite a proper question, in my opinion.

Q Dr. Butefisch, the assurance of Kranefuss that this collection for which he approached you and to which Farben was to contribute something, this assurance that it was purely for purposes of helping the widows and orphans of police and SS men, were you convinced by this assurance and could you, with a clear conscience, pass on this request to Geheimrat Schmitz?

A Yes, that was certainly convincing to me. It would never have occurred to me and I don't believe even today that any one would have used this money for any other purpose. If I believe a comrade who says such a thing, that he is collecting, that he spends this money for any other purpose than helping the people who deserve to be helped.

Q Did you do anything to find out about the actual use to which this money was put?

A Dr. Flaschner, I couldn't. I didn't know what had been paid and I wouldn't have done so anyhow. I gave a donation to "winter relief" or some other collection. I didn't inquire here. This feeling that it was decently administered and used only for proper purposes--that is something that I took for granted. And in this case I had no reason to check anyhow because I didn't give the money.

Q In the course of the prosecution's case, various letters of Mr. von Schroeder have been submitted, letters written to Himmler. Did you ever learn anything about this correspondence? Did Schroeder tell the men who met these evenings anything about his correspondence with Himmler?

A I have seen from this correspondence that Schroeder administered the collections and took care of them, probably together with Kranz. These are all things which I have learned here for the first time, from lists and so forth. Total figures are mentioned here. One million, of which I did not know and I must say quite frankly, if I had known these figures, well, I said the firm contributed this, contributed that to these for relief. I don't think I would have thought anything else about it because I have already told you what the collecting was like in Germany. But I did not know anything about these matters.

Q Now, my final question on this point, Dr. Bueterfisch. From your rank in the SS, did you have any personal advantages?

A No, not at all.

Q Very well, that takes care of that point. Now we have the last point, Count II, Spoliation, the claim of plunder and spoliation in countries and territories occupied by Germans during the course of this war. I should like to ask you first of all to speak as a technical man, to speak generally about these points; for example, how about the nitrogen field?

A During the war we, and I personally, did not try to acquire or appropriate any nitrogen facilities abroad. On the contrary because of my old activities as President of the Experts Committee, the CIA, I attempted to get a personal, friendly contact with these men. I attempted to re-establish friendly contact with the men whom I knew in the nitrogen industry.

I recall - I believe it was in 1941, the end of '41 or the beginning of '42, I am not sure, - the President of the French Nitrogen Syndicate, which included all French nitrogen producers, came to Launce on my invitation and we talked to each other in the most friendly way.

I remember that it was not an official conference in the sense of friend and foe, although I knew the very patriotic attitude of Mr. Lelong, and admired it. This meeting was very social. My wife was present. He knew her from visits in Paris.

I said to him, "I will give you all of the help you need, Mr. Lelong, as far as that is in my power, so that you can go back to work and produce nitrogen, which in the last analysis, is important for the food situation". It was an unforgettable meeting with him because for the first time I had the feeling that I could appreciate the feeling of a person facing a conquering nation, and I avoided everything that might give this impression to Mr. Lelong, in even the slightest way; so that was my attitude in the field of nitrogen to other states too where our

troops had conquered. If I had any strict orders from any agency to take any machine from any factory, our end my attitude was, "Do not touch it. This is an industry which has to work for its own country".

Q Did you, for instance, give technical advice to the Dutch nitrogen industry during the war?

A Yes, I did; quite generally, I was acquainted with these men. I remember that we helped them.

Q How about the mineral oil field? There you were a technical expert too and know about these matters.

A In the mineral oil field, I and my firm took exactly the same stand. As I see from the indictment, there was an attempt to obtain mastery in nitrogen or oil. I have explained about nitrogen. In mineral oil there were quite a number of firms, foreign firms, Standard Oil, Shell, Vacuum Oil, and several other smaller firms, Rumanian firms, Russian firms, operating companies, distillation companies, and I always advocated that all of this property should not be touched in any way; that the war was one thing, but that industry should not intervene in the mineral oil field in any way, and we did not do so.

I advocated, for instance, that the big operating companies of Shell and Standard and Vacuum in Germany, should not be turned over to the German firms, but that they should remain completely separate, and have their affairs administered by someone appointed by the Reich or some other authority.

The participation of Farben in Continental Oil, A.G., has been discussed, particularly. First of all, I should like you to speak about the foundation of Continental Oil in both the motives for the founding of this company, and how the founding took place.

A I can tell you very little about that. I.G. Farbenindustrie was requested to participate in a company which was to be founded in order to participate in the Rumanian oil field or refineries. In part this participation has already been affected by the German Reich, as far as

I remember, French partners had turned over their shares and wanted to be rid of them. It was not desired that these things should be dissipated or should be administered by the Reich, but something else was wanted and this must have been an idea of Minister Funk.

It was desired that this whole thing be taken up in a big holding company to take care of the interest of these oil companies in South-eastern Europe. The synthetic oil producers were to participate so that in the long run there would be no conflict with synthetic interests, and in the second place, it was desirable that the knowledge and know-how of this synthesis would be secured. That was the request, and it was said that this company was to have something like 60 to 80 million marks capital. I am not sure any more. The Reich was to have the absolute majority and banks and firms were to participate to a modest extent. The various industries had a percentage of 3.5, 3.8 or 4 percent approximately. The big company Elwerath, the big company Preussag, Wintershall, Deutsche Erdöl, Farben Synthesis - the others were all petroleum works - and Brabag were called upon to participate.

I do not know the names of the banks that were also called in.

Q Dr. Baetofisch, did Farben have any interest of its own in participating in this company?

A The fact that Farben had something around 3 per cent alone shows that Farben had no real interest in the matter. It was more of a sort of a compulsory request, a request which could not be evaded. The Reich Ministry had said, "We request this" and I remember, I believe it was Gohardewitz-Schmidt who said, "Of course there is no way of getting out of such a thing. It will just pay the three million and there is no question of getting out of this participation."

The same thing happened with the Hermann Goering Works. Industry was simply told that participation is so-and-so-much. It was apparently quite common, and the Aufsichtsrat consisted of an enormous number of people.

Q I am coming to that. Dr. Baetofisch, in your opinion was Continental Oil a holding company or a purchasing company?

A I am not acquainted with the strict legal concept. I would call it a holding company.

Q The Reich participated in Continental Oil through the Borussia, G.m.b.H. Did the Reich have a position which was of the same basis as the other companies, or did the Reich have a dominant position?

A The Reich had a definitely dominant position.

THE PRESIDENT: It is lunch time. The Tribunal will rise until one-thirty.

(Tribunal in recess until 1330 hours.)

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

DR. LINDBERGH: Your Honors, may I ask that the defendant Dr. Elger be excused from the session on Monday for the last time?

THE PRESIDENT: Yes, very well. That request is granted.

HEINRICH BUSTEFISCH - Resumed

DIRECT EXAMINATION - Continued

BY DR. FLACHSMER:

Q Dr. Bustefisch, if I remember correctly, we were last discussing the position of the Reich as part owner of the Continental Oil A.G. You said that the Reich had a dominant influence. Would you please explain that briefly? Was that purely on the basis of capital participation or was this dominant position also expressed in a voting power?

A For one thing by the greater voting power. As I recall, a bank was involved which administered the Reich's holdings. I believe it was the Borussia or some such name and I believe these shares had a fifty-fold voting right. Also all instructions went directly through the Ministries.

Q Dr. Bustefisch, what authority did the Aufsichtsrat of Continental Oil A.G. have?

A It had only the authority which generally belongs to the Aufsichtsrat of a stock company but in this case these rights were quite limited. There was no great discussion at the Aufsichtsrat meetings. I believe there were twenty-eight members from all possible agencies apart from industry, from banks, and Government agencies. A very big Aufsichtsrat.

Q Will you please explain to the Tribunal how often the Aufsichtsrat met?

A As far as I recall, once a year. Perhaps, on occasion, twice a year. I am not certain, but certainly not oftener.

Q In the Aufsichtsrat meeting the management reported what had been done in the meantime, is that right?

A Yes, that's right.

Q Now, I want to ask you, do you know anything about the activity of Continental Oil A.G. in Russia?

A Originally this company was not founded for activity in Russia. There was no war with Russia. I have previously sketched the purpose of this holding company in the South East Area. When war broke out against Russia, as far as the Aufsichtsrat was subsequently informed, the Reich Ministry of Economics - by Goering's order, was instructed to take an interest in Russian mineral oil matters and, as far as we were later told at the meeting of the Aufsichtsrat, subordinate companies were formed for this purpose. I do not remember their names.

Q In conclusion on the subject I merely ask you, do you know who gave the instructions to the management of the Conti?

A I believe these instructions came directly from the Reich Minister of Economics or from Goering respectively.

Q Not from the Aufsichtsrat?

A No, not from the Aufsichtsrat.

Q Now there comes a final question. Did you, as Vorstand member of Farben, in your capacity as representative of one of the owners, or in your capacity as a member of the Aufsichtsrat, have any influence on the decisions of the Vorstand?

A No. I don't know how that could have been. It was quite impossible.

Q My last question on this point refers to Document NI-8453, Prosecution Exhibit 1566 in Book 64, page 29 of the English. Dr. Buete-fisch, that is a file note about a visit to the Reich Commissioner for the East - I believe the man's name was Lose - by Mr. Fischer and Mr. Neumann. There's a notation at the top "Dr. Fischer, General Director of Farben." What do you have to say to this document?

A I saw this document here for the first time. First of all, I must say that Dr. Fischer was never a general of I. G. Farben. Second, the presence of State Secretary Neumann already indicates that this was a state order, a trip which these men made and I, at any rate, had no knowledge of it and I had nothing to do with it.

Q I believe that is sufficient on this point.

Your Honors, following the examination of my client I should like to offer some of my documents, with your approval. Document Book 8..... Does the Tribunal have the translation?

THE PRESIDENT: Yes, we have your Book 8.

DR. FLAACHNER: The first document in this book is an affidavit of Dr. Hans Folster, Burefisch Document 156. It will be Exhibit No. 135. This document shows the duties of my client, saying that the was not competent for dealing with social welfare, personnel matters and matters concerning the workers.

The next document is on page 2 of the book. This is an affidavit by Dr. Ferdinand Bertrams, Burefisch Document 82 which I offer as Exhibit No. 136. Bertrams' name has been mentioned here repeatedly. He was in charge of the office of the Chief Betriebsfuehrer (plant leader) of Farben. He is informed about social welfare activities of Farben and he confirms that Burefisch had to deal with technical and industrial matters within Farben and had nothing to do with social welfare questions. He did not belong to the enterprise council or the conference of plant leaders.

The next document is on page 4 of the book, Burefisch 277. This has already been introduced at another point as Burefisch Exhibit 61. This affidavit is presented here in order to prove that during the war the initiative of private enterprise was eliminated and business men received government orders from the Ministries for their business activities.

The next document is the affidavit of Dr. Wilhelm Lenzel, Buete-fisch Document 275, which I offer as Exhibit 137. This affidavit deals with the establishment of the Synol plant and confirms the testimony of my client to the effect that the Reich authorities in February ordered that the Leuna Synol plant should be merged with the Buna Werke Auschwitz.

The next document is the affidavit of Dr. Erich Kranepuhl, Buete-fisch 174, which I offer as Exhibit 138. The affiant, Dr. Kranepuhl worked for the Reich Office for Economic Expansion. He, like Lenzel, states that Leuna had a government order to plan a 75,000 ton synol plant at Auschwitz and the Gebecken declared the project ready for construction. Later, in July 1941, the planning was changed over to the production of methanol. The affiant also describes the details of obtaining materials and labor. This affidavit is especially important because the affiant describes his impressions gained on two visits to the construction site at Auschwitz.

The next affidavit is Buete-fisch 236, also by Dr. Erich Kranepuhl. I offer it as Exhibit 139. It refers to the establishment of the isooctene plant at Auschwitz. The affiant confirms that this was planned by order of the Aviation Ministry and the total requirements of the Aviation Ministry were so great that they could be met only by using all suitable raw materials.

The next document is Buete-fisch 172, an affidavit of Dr. Hermann Zorn. I offer this as Exhibit 140. Dr. Zorn is the leading man in the field of production of synthetic lubricants. He refers to his visits to Auschwitz and to his observations there. He says that the prisoners had the same sort of work to do as the others and, as far as he could judge, these people were not expected to do any work of which they were physically incapable. He did not observe or hear that the workers were driven or ill-used. Consequently, in his reports to Dr. Buete-fisch, he could not report any such abuses.

The next document I should like to introduce is Buete-fisch 163 on

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page 16 of the book, also an affidavit by Dr. Hermann Zorn, which I offer as Exhibit 141. This document says that the plant for the production of synthetic lubricating oil at Auschwitz was expressly ordered by the Aviation Ministry.

The next document is Buchefisch 179. I shall not introduce this. The affiant has testified here on the same subject. It is not necessary therefore to introduce this affidavit.

The next document is Buchefisch 169 on page 22. It refers to the conference Dr. Buchefisch told about yesterday, with the Chief of the Personnel Office of Himmler. He confirms here in this affidavit that in February or March 1941 he learned of Goering's letter to Himmler according to which the construction of the new Farben plant in Upper Silesia was to be supported by making inmates available. By order of the labor authorities the conference which Dr. Buchefisch has described came about and there the purpose of the project and the need for labor was discussed and there was a general discussion on this point. The important thing in this document is the fact that the affiant confirms that this conference does not go back to the initiative of Farben or Dr. Buchefisch, but was at the instigation of the authorities and the affiant confirms expressly that this conference has nothing to do with Dr. Buchefisch's connections with the SS or the Circle of Friends. The affiant also confirms that neither before or afterward did he ever discuss with Dr. Buchefisch anything connected with the Auschwitz plant.

The next document is Buchefisch 177, an affidavit of Dr. Johann Giesen.

JUDGE LEWIS: What was the exhibit number of 179?

DR. FLAXENBERG: I beg your pardon. 142.

JUDGE LEWIS: Thank you.

DR. FLAXENBERG: Buchefisch 169 is Exhibit 142.

The next document, Buchefisch 177, an affidavit of Dr. Johann Giesen dated 23 October 1947, I offer as Exhibit 143. This affidavit refers to

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the manner in which the progress of the construction project at Auschwitz was controlled by Dr. Buetefisch and it also deals with the question of whether Buetefisch had any influence on the employment of concentration camp inmates.

The next affidavit is an affidavit of Friedrich Schmoerer. It is on page 27 of the document book, Document 273, which I offer as Exhibit 144. This affidavit is an excerpt from the record of the construction conference, which shows that Dr. Buetefisch and the other gentlemen from Leipzig were present. It is therefore important.

The next document, Buetefisch 112 on page 29, I offer as Exhibit 145. It contains credit applications for the building of syphilis facilities.

The next document, Buetefisch 103 on page 42, contains the book-keeping cards of these credit applications. I shall give this the exhibit number 146.

The next document, on page 44, is a rather long affidavit by Dr. Hans Sauer, Document 259, Exhibit 147. Sauer was Chief Engineer of the plant. In this affidavit, Sauer speaks about the consideration of whether the proximity of the Auschwitz concentration camp was to be considered an advantage for the new plant and he says that the opposite was true; that it was considered important to get loyal labor and that the questions of labor and the welfare of the workers was considered to be one of the main problems. Dr. Guerrfield took a special interest in it.

He confirms that none of the men who regularly visited the construction site ever reported about abuses there. The affiant says that he visited the workers' camps on several occasions and he says that the plant tried to keep these workers and to train them and give them special training. Finally, the affiant says a frequent change of the inmates was undesirable from the point of view of the management.

The next document is Buetevisch 280 which I offer as Exhibit 148. Mr. President, I have just been informed that the document should be Buetevisch 290; there has been a typing mistake here. I am referring to the affidavit of Dr. Hans Maeding, which is on page 49. I offer it as Exhibit No. 148. This affiant says that he was concerned with planning the Synthesis Plant at Auschwitz. He visited Auschwitz repeatedly without seeing any signs that violence had been committed against inmates in the concentration camps. The affiant also speaks about the manner in which Dr. Buetevisch had the over-all supervision of the planning and he says that Buetevisch was not able to take an interest in details but left that to his associates.

The next document, affidavit of the engineer, Albert von Ios, Buetevisch 256, Exhibit 149, is in the same tenor. The affiant was in charge of the planning of the Synthesis Plant at Auschwitz. He testifies that he lived in the neighborhood from 1943 on and he never heard of concentration camp inmates having been killed or mistreated at the main camp of Auschwitz.

The next document which I offer is on page 55. It is an affidavit by Dr. Friedrich Hoopke, Document Buetevisch 190, which I offer as Exhibit 150. The affiant was a chief in the construction department of the Leuna plant. He was in charge of the construction of the Synthesis Plant of Auschwitz. He testifies that he had no occasion to report to Buetevisch about any cruelties in the concentration camp because he never learned of any such incidents.

The next document is Buotefisch Document 187, on page 57 of the book, an affidavit of Dr. Heinrich Strombeck, dated 12 November 1947. I offer it as Exhibit 151. Strombeck was the head of the mechanical engineer department at Leuna and was concerned with the building project at Auschwitz as far as Sparte I was concerned. The affiant first of all gives a picture of the extent to which Dr. Buotefisch took an interest in the over-all planning and how the details were taken care of. He says that he never heard of any atrocities, extermination of human beings, mistreatment of concentration camp inmates in the Farben works, etc.

The next document is Buotefisch 175, on page 63. This is an affidavit by Dr. Reinhold Frick, which I offer as Exhibit 152. Frick testifies that as head of the Methanol Plant he had about 30 inmates working in the warehouse and laboratories but they did the same work as the other personnel. No work was assigned to them of which they were not physically capable. The affiant testifies that the plant management insisted on correct treatment. The affiant testifies that the plant management insisted on correct treatment. The affiant has no knowledge of the atrocities which took place in the main camp at Auschwitz. It was only after the end of hostilities that he learned of them.

The next document is 185, on page 66. I offer this as Buotefisch Exhibit 153. It is an affidavit by Dr. Hans Paetsold, a department chief at Auschwitz. He speaks about the treatment given the prisoners in his department. He confirms that both the inmates and the foreign workers were treated humanely and decently at the Auschwitz plant.

The next document is Buotefisch 185, on page 66. I offer this as Buotefisch Exhibit 153. It is an affidavit by Dr. Hans Paetsold, a department chief at Auschwitz. He speaks about the treatment given the prisoners in his department. He confirms that both the inmates and the foreign workers were treated humanely and decently at the Auschwitz plant.

The next document is Buotefisch 184, on page 67.... Buotefisch 184, page 63 in my book. There seems to be a typographical error in the index.

May I ask to see the English?It should be page 68, Mr. President. Document Bustofisch 184, an affidavit of Diplom Engineer Karl. The affiant was department chief in the Low Temperature Distillation Plant at Auschwitz. This will be Exhibit No. 154. The affiant testifies that Dr. Bustofisch was not concerned with problems of labor at Auschwitz. He says that his impression of the treatment of the concentration camp inmates in the plant was that the people were treated decently. He never observed any mistreatment, atrocities or killings in the concentration camp.

On page 71 you will find an affidavit by Dr. Engineer Gerhard Appel, Document Bustofisch 181. I offer this document as Exhibit 155. The affiant confirms that in the spring of 1941 he was assigned to the new plant to be built at Auschwitz and was put in charge of the power department. He says that he got the impression from the construction conferences that Dr. Bustofisch was interested only in basic questions in the planning and construction of the plant. All details were in the hands of Dr. von Steden and Dr. Ambros. In the opinion of the affiant, Bustofisch attended only two or three construction conferences and was at Auschwitz only a few times.

DR. FLAUCHSMAYER: The affiant does not know that Butefisch decided any questions of the employment of workers.

The next document is Butefisch 188 on page 73 which I offer as exhibit 156. It is an affidavit by Herman Sailer. Since 1926 Sailer had been Dr. Butefisch's secretary and he testifies that by virtue of this work he knew about most of the business affairs and also the personal affairs of Dr. Butefisch. He says that Butefisch's representative of Sparte I was authorized to supervise the planning of the Auschwitz plant as far as it concerned Sparte I. Originally, the Auschwitz plant was intended to be a Buna-plant for Sparte II. Subsequently, Sparte I had to incorporate its facilities into the overall planning. Butefisch limited himself to General Board Technical Questions.

Dr. von Staden and after his death in 1944, Dr. Giesen supervised the details. To the knowledge of the affiant, Butefisch had nothing to do with the management of Auschwitz or with the employment of labor there. These questions were not among his duties at Leuna either. Butefisch was at Auschwitz only quite rarely.

The affiant testifies that he kept accurate records of Butefisch's travels which, however, have been lost. He assumes, however, that Butefisch was at Auschwitz four times all together. His visits were very brief, usually only a few hours.

Butefisch was informed about conditions by the men who were in charge of the details of planning and construction.

The affiant also speaks about the documentary treatment of the business and, I believe, it is important for the Tribunal if I draw their attention to this point too. He says that the records about the construction meetings of Auschwitz were received in his office and that he, Sailer, turned them over to von Staden, Giesen and Strombeck. They, in turn, consulted and informed Butefisch on especially important questions. This arrangement was necessary because the records

were very extensive and to a large extent uninteresting for Beutefisch. Besides, Beutefisch was frequently away from Launa. Then the affiant goes into details of Auschwitz.

The next document is Beutefisch 189 which I offer as exhibit 157. It is an affidavit by Dr. Savelsberg. Savelsberg was commercial manager at Auschwitz but never heard anything about atrocities committed in the concentration camp.

The next document is an excerpt from a Tea meeting of 13 December 1939 which I offer as exhibit 158.

The next document is on page 80, Beutefisch 124, also an excerpt from a Tea meeting. I offer this as exhibit 159. These excerpts from minutes referred to the question of acquisition or participation in upper Silesian coal. The second meeting deals with participation in the mines of Pless'sche Bergwerk, A. G.

The next affidavit is by Sigrun Bojunga, a secretary -- the secretary of the deceased Vorstand member of Forben, Dr. Bernhard Buhl. This secretary confirms that notes of the Vorstand meetings of 14.11.1940 were drawn up by this Dr. Buhl. I offer this document as exhibit 160.

The next document is on page 86. That has already been offered at another point as exhibit 27. It is presented now because the affiant confirms how in 1940 Beutefisch called him in to the negotiations for the acquisition of coal supply in upper Silesia because he was an expert on low temperature distillation. The affiant then speaks about the negotiations with the Furstlich Pless'sche Bergwerke A. G. which finally led to the founding of the Furstengrube GMBH. It confirms that these negotiations were on a purely economic basis and were of a very friendly spirit. He also confirms that according to statements of General Director Falkenhahn, Pless A. G. welcomed participation of Forben because Pless A. G. was financially weak.

The next document is on page 87. This is an affidavit of Dr.

Goldberg, document No. 94, Bustafisch, which I offer as exhibit 161. The affiant was a member of the Aufsichtsrat of Fuerstengrube, GMBH. He speaks about the manner in which the negotiations were carried on with Pless and like the preceding affiant confirms that the negotiations were carried out in a very friendly spirit. An important aspect of this affidavit is this statement that it was never interfered with the operations of the Fuerstengrube. The affiant knows of no case when the Aufsichtsrat or chairman of the Aufsichtsrat alone gave any instructions to the manager, Mr. Falkenhahn for the operation of the concern and Dr. Goldberg also confirms that the two owners of Fuerstengrube and Pless and Farban had a gentlemen's agreement that there would be no majorization.

The affiant also speaks about the trusteeship administration of the Janina Mine by Fuerstengrube and here again he confirms that negotiations were in the spirit of co-operation between the two companies.

The next document is on page 91, Bustafisch 207, an affidavit by Max Winkler, as exhibit 162.

Winkler was head of the Main Trusteeship Office East, the Reich agency which was in charge of all property in upper Silesia. The affiant speaks about the foundation of Fuerstengrube GMBH and specifically about the events which led up to the Janina mines being turned over to Fuerstengrube GMBH for trusteeship. He states explicitly that this turning over was purely for reasons of expediency.

The next document, Bustafisch 193, I offer as exhibit 163. It is an affidavit by Dr. Karl Brous.

The next document is 304, which I offer as exhibit 164. It is an affidavit of Dr. Duellberg. The affiant was the mining director of Fuerstengrube. Falkenhahn alone was business manager. He speaks about the management of the business within the Fuerstengrube. The affiant confirms that he never observed that Bustafisch took greater

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interest in the current affairs of the Fürstengrube more than customary
and prescribed for Aufsichtsrat members.

He then speaks about the conferences with the gentlemen of Farben at Auschwitz concerning the delivery of coal. Then he speaks about workers. Since the labor authorities no longer could assign free workers or even prisoners of war, to the Furstengrube concentration camp inmates were assigned and a special camp had to be built for them according to the instructions of the SS. The affiant emphasizes that the employer did not desire to have concentration camp inmates assigned for one thing, because they made the cost too high and also because their output was not that of a free worker as is only natural.

The affiant states especially that the administration of the camp was completely in the hands of the SS. He speaks about the number of inmates employed at Furstengrube, one thousand. At the Janina Mine there were five to six hundred inmates employed, but these inmates worked mostly above ground. The affiant also says that at the Guenther-Grube Mine, which belonged to Pless, concentration camp inmates were also employed and he knows that at the Drosesche Mine, the Hermann Goering Works and other plants and mines in Upper Silesia, it was customary to employ concentration camp inmates. He then speaks about the manner in which these people were employed and the food given the prisoners. He says that at the end of the war the rations for prisoners were over 2500 calories. There were 33 guards at the camps and it was possible to enter the camps only with the permission of the camp commandant.

The next affidavit is Bueteffisch 306 which I offer as exhibit 165. It is on page 103. The affiant, attorney-at-law Friedrich Silcher, in the fall of 1944 in the course of his work in the legal department of MW-7, visited the construction site at Furstengrube. He also visited the labor camp. He speaks of the impression which he got of the condition of the inmates and gives a very favorable picture of the way in which they were housed and fed. He describes the impression that he got of the life of the inmates in the camp. In an assembly barracks of the camp he heard the camp orchestra preparing for a musical performance. Outwardly the camp made a very good impression on him. A visitor had the impression,

however, that after all, these people were deprived of their liberty and therefore it made a depressing effect on him. I believe that this affidavit gives a good deal of information about the real conditions in such a labor camp for inmates.

The next document is Buotefisch 258, page 109, which I offer as exhibit 166. Mr. Sprecher has just informed me that the English index mistakenly gives the number 253. The page number is right. It should be Dr. Savelsberg affidavit number 258 which I offer as exhibit 166. This affiant confirms that Buotefisch never gave any instructions to the effect that there must be any interference with the management of Fuerstengrube but there were general directives for all departments that help should be given to the Fuerstengrube men at any time at their request.

The next document is Buotefisch 192 on page 111 which I offer as exhibit 167, minutes of a Vorstand meeting in 1942. It is reported that the trusteeship officers had not reached agreement with the owners of the Janina yet.

The next document is a record of the Vorstand meeting of 2 March 1944, Buotefisch 199, exhibit 168. There are no comments on this document. The last document here is Buotefisch 231 on page 113, also minutes of a Vorstand meeting, exhibit number 169. It has been called to my attention that in the Bertrams affidavit, that is in the German text, there is a typographical error. It is on page 2 of the document book, the last sentence reads "Dr. Buotefisch was a member of the Unternehmens Beirat of Farben" and the typist omitted the word "not". That is rather important. May I see the English? Page 2.

MR. SPEECHER: The prosecution will stipulate this to be found in both the English copy and the German copy. It should say, "Dr. Buotefisch was not a member of the advisory council"

THE PRESIDENT: Thank you, Dr. Flaechner.

DR. FLAENCHNER: That completes document book B.

JUDGE MCNEIS: Dr. Flaechner, may I call your attention to the fact that although you were not interrupted by any objections on the part of

the prosecution, it took you just three minutes short of one hour to introduce book number 8? I thought you might like to have that brought to your mind in order that you might gauge the time for your testimony and remaining documents accordingly.

DR. FLACHSNER: I will watch that, your Honor, and I hope I will not take more time. I have completed my examination. The witness is available to the other defense counsel.

DR. SIEMERS: (for Dr. von Schmitzler): Mr. President, in a conversation with Judge Hobart a few days ago I was asked to call my witness, Dr. Flick, as soon as possible. I merely wanted to let you know that I am in a position to examine Dr. Flick and I suggest that this might be done after the case of Dr. Flachsnor. Dr. Flachsnor thinks that his case ---

THE PRESIDENT: We will confer with you in chambers, Dr. Siemers, about arranging a satisfactory time if you will see us at our recess.

DR. SIEMERS: Thank you.

EXAMINATION

BY DR. GIERLICH (For Gehelart-Schmitz):

Q. Dr. Bueckfisch, I have a few supplementary questions on a few points in your testimony. First of all, about the participation in Continental Oil A.G. which you say was virtually imposed on Farben, may I ask you whether you reported on this to the Vorstand and whether it was discussed there?

A. Yes, of course I reported it to the Vorstand.

Q. Thank you. This morning you spoke at some length about how it came about that Krasofuss asked Farben to participate in a donation for the families of dead SS members. In this connection I should like to ask you the following: Is the fact that Krasofuss came to you with this request, does this fact have any connection with the fact that in the meantime you had frequently been invited to attend the Circle of Friends of Koppler or Himmler?

A. I did not think so. He approached me outside of the Circle of Friends too.

Q. At that stage were you told at all that there was any collection within the Circle of Friends?

A. I personally always assumed that that was something which Mr. Krasofuss had started on his own, and of course, he collected from the men who belonged to the Circle of Friends but in my opinion from other people too. He went to Mr. Fischer for instance.

Q. Did you at that time know, as has been shown by certain prosecution documents now, that the donations were collected in one account and then at a certain time were turned over to Mr. Himmler?

A. No, I did not know that. He collected it and how it was managed I did not know. It was merely a bank matter.

Q. My final question. Did you, when you passed on this suggestion to Gehelart-Schmitz, mention the Circle of Friends at all?

A. No, I said to him that that was a request from Mr. Krasofuss.

Q. Thank you, Dr. Bueckfisch. I now come to a final question which

EXAMINATION

BY DR. GIESLICH (For Geheimrat Schmitz):

Q. Dr. Buettfisch, I have a few supplementary questions on a few points in your testimony. First of all, about the participation in Continental Oil A.G. which you say was virtually imposed on Forbon, may I ask you whether you reported on this to the Vorstand and whether it was discussed there?

A. Yes, of course I reported it to the Vorstand.

Q. Thank you. This morning you spoke at some length about how it came about that Kramfuss asked Forbon to participate in a donation for the families of dead SS members. In this connection I should like to ask you the following: Is the fact that Kramfuss came to you with this request, does this fact have any connection with the fact that in the meantime you had frequently been invited to attend the Circle of Friends of Kessler or Hissler?

A. I did not think so. He approached me outside of the Circle of Friends too.

Q. At that stage were you told at all that there was any collection within the Circle of Friends?

A. I personally always assumed that that was something which Mr. Kramfuss had started on his own, and of course, he collected from the men who belonged to the Circle of Friends but in my opinion from other people too. He went to Mr. Fischer for instance.

Q. Did you at that time know, as has been shown by certain prosecution documents now, that the donations were collected in one account and then at a certain time were turned over to Mr. Hissler?

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Q. My final question. Did you, when you passed on this suggestion to Geheimrat Schmitz, mention the Circle of Friends at all?

A. No, I said to him that that was a request from Mr. Kramfuss.

Q. Thank you, Dr. Buettfisch. I now come to a final question which

is connected with a document in one of your document books. That is the question of your helping Colonel Arthur von Weinberg. Who took the initiative and asked you whether you could help here?

A. Colonel Schmitz. He called me in one day and said to me that he had heard that Mr. von Weinberg would probably be put in a camp, and he said since I knew Mr. Krausfuss perhaps I could do something to help him. I said, "Of course, Colonel, if I can do anything to help -- of course I can't say whether that is possible -- but if I can do anything I will be very glad to." And I called up Mr. Krausfuss who said to me, "That won't be simple. I don't know." And I kept on urging him. He said I should call up such and such a place and go there and find out whether anything has been done. Then I went to the SS office and they put me off. They said they didn't know where and they couldn't find it out so soon. He insisted and two days later we had no news yet as to what had been done. He went back again. I believe I went there with you and we were told nothing could be done. He was probably on the transport to some place, I don't remember the name at the moment.

I went back to see Krausfuss. I said that was incredible that one couldn't do anything in such a case. He said, "Well, if proceedings have been started it would be very difficult." I really don't know what to do." I insisted. I said, "We have to do something." I said, "I know that an honorable and decent man Mr. Weinberg was. I know him and Colonel Schmitz is very much interested in the case." And he said, "Well, the only thing is to write to Mr. Himmler himself and I will help you to see that the letter is passed on if it is written."

I immediately contacted you again and we drew up a letter and Krausfuss said some prominent person would have to sign it, so I worked on the letter together with Colonel Schmitz and as has already been stated here Professor Krauch signed it, and that is how I remember the case. I don't know whether I may have forgotten something or not.

Q. One more question. Were all these people involved in this matter, Professor Krauch, Mr. Schmitz, you yourself, and the other man, did they

all realize that this very emphatic advocacy of the cause of a Jew in the situation at the time might perhaps involve a certain danger for those concerned and even for the enterprise?

A. Mr. Gierlich, I believe we discussed that matter very thoroughly at the time. We realized how dangerous the situation was because it was generally known in Germany that anyone who helped in such cases became suspicious, but we did so anyhow.

Q. Is it true that at about the same time Goebbels opened an official campaign to the effect that anyone who helped a Jew identified himself with him and must expect to be treated like one?

A. Yes, I remember that quite well. That's what you said to me when you were in my office at the time, and he said this matter is not entirely without danger. We must find some way to help here without running any great risk, and that's why we went there together.

DR. GIERLICH: Thank you. No further questions.

EXAMINATIONS

BY DR. ASCHERMEYER (For Gistano):

Q. First I have two questions about the Munich visit in the fall of 1932. Dr. Buotefisch, was support demanded in the tariff question from Hitler?

A. No.

Q. Was there a protective tariff at that time?

A. I believe I have already said protective tariff had existed since 1931 to the amount of 16 percent which remained until the year 1937.

Q. A few questions on the subject of Skoda-Wetzlar and Dornachheim. As we heard during the examination of Dr. Buergin and also from a document, 1070, book 52, the acquisition of Skoda-Wetzlar in 1938 was discussed in the Vorstand. Was it brought out at the time or was it considered in any way that in the Moosbierbaum Plant a dehydration plant was to be built?

A. No, there is no connection. The dehydration plant at Moosbierbaum was planned only at the end of 1940. That has nothing to do with this matter.

Q. Which were the reasons for this selection of Moosbierbaum as site for the dehydration plant?

A. Yes, I have already explained that. Originally it was to be put in Krennau. A better place was near Moosbierbaum and therefore the part of the terrain of Moosbierbaum was leased and the plant was put there.

Q. Who owned the hydrogenation plant at Moosbierbaum?

A. The Lammichwerk Krennau had leased part of Moosbierbaum.

Q. Were you a member of the Verwaltungsrat of Dynamit Nobel A.G. Prossburg?

A. Yes.

Q. Were compulsory labor prisoners of war or concentration camp inmates employed in the plants of this company?

A. I saw none there.

Q. Who was responsible for technical matters in the management of Dynamit Nobel A.G. Prossburg?

A. Dr. Karl Meyer.

Q. And for commercial affairs?

A. Cottineau.

Q. Who was the Plant leader of the Prossburg plant?

A. I believe his name was Schmidt.

Q. What were the important new projects which were brought up at Prossburg which were realized at Prossburg after 1939?

A. Above all the big Dytran project, then carbon disulphide, then superphosphate and a number of other projects, all for purely economic consumption in Slovakia.

Q. These products were for the benefit of Slovakia?

A. Yes, beyond a doubt.

Q. Had no connection with the Four Year Plan?

A. No, they had nothing to do with the Four Year Plan.

Q. Did these projects have anything to do with the German war machine?

A. No, I have already said that these were products for that country.

Q. For whose benefit were the superphosphate products of Dynamit-Nobel, Frossburg?

A. Their own country.

THE PRESIDENT: Dr. Aschenauer, how long will it take you to complete your cross examination? Do you have several questions yet?

DR. ASCHENAUER: Yes, ten questions, Mr. President.

THE PRESIDENT: We will take our recess now.

(A recess was taken.)

THE PRESIDENT: The Tribunal is again in session.

HEINRICH BRETZSCH - Resumed

DIRECT EXAMINATION - Continued

BY DR. ASCHENAUER:

Q. Dr. Bretzsch, did the Dynamit-Nobel, Frossburg, play any part in the supplying of Slovakia with nitrogen fertilizers?

A. Only inasmuch as Dynamit-Nobel was the distributing agency for the Nitrogen Syndicate, as far as I know. I think that had been the case before that already.

Q. For how long? Did that last until the last year of the War?

A. As far as I know, that always held true.

Q. What was the purpose of the nitrogen project of Azote in Roumania?

A. The nitrogen project Azote in Roumania concerned me technically because in Roumania nitrogen fertilizer was to be produced for agriculture. In other words, it was purely peacetime industry for Roumania. The Roumanians wanted to produce their own nitrogen.

Q. Did Roumania have their own state nitrogen factory for military purposes?

A. Yes, there was that, too.

Q. But you don't remember the name?

A. I don't remember it. It is some Roumanian name, the name of a

Romanian city.

Q. Was the Azote project beyond the sphere of the Four Year Plan?

A. That had nothing to do with the Four Year Plan. That was merely a suggestion of Romanian industry.

Q. Was Azote to have a German majority or Romanian majority?

A. No doubt a Romanian majority because the Germans didn't desire nor did they intend a majority.

Q. When founding the company was any coercion exercised or was the participation of the partners voluntary?

A. In my opinion and as far as I recall, it was entirely voluntary.

Q. What was the purpose of the Marsolat project in Hungary?

A. In Hungary it was desired in view of the scarcity of fat to produce soap out of the mineral oil which is found there. That is how I dealt with the technical discussions with reference to this project. I was asked whether that was possible. I said, "Yes, that is a process which could be applied down there." That is why I know that this Marsolat project was an industrial request by the Hungarians for their country.

Q. Why was this project of interest to Hungary from an economic point of view?

A. Because from their own raw materials they were able to produce soap for their own peacetime economy.

Q. Was a German majority requested in the Marsolat company?

A. No.

Q. Did the project have anything to do with the Four Year Plan?

A. No.

Q. Is it true if I remark in connection with that project that it was only for the good of Hungary?

A. It was a purely internal Hungarian affair.

Romanian city.

Q. Was the Azote project beyond the sphere of the Four Year Plan?

A. That had nothing to do with the Four Year Plan. That was merely a suggestion of Romanian industry.

Q. Was Azote to have a German majority or Romanian majority?

A. No doubt a Romanian majority because the Germans didn't desire nor did they intend a majority.

Q. When founding the company was any coercion exercised or was the participation of the partners voluntary?

A. In my opinion and as far as I recall, it was entirely voluntary.

Q. What was the purpose of the Mersolat project in Hungary?

A. In Hungary it was desired in view of the scarcity of fat to produce soap out of the mineral oil which is found there. That is how I dealt with the technical discussions with reference to this project. I was asked whether that was possible. I said, "Yes, that is a process which could be applied down there." That is why I know that this Mersolat project was an industrial request by the Hungarians for their country.

Q. Why was this project of interest to Hungary from an economic point of view?

A. Because from their own raw materials they were able to produce soap for their own peacetime economy.

Q. Was a German majority requested in the Mersolat company?

A. No.

Q. Did the project have anything to do with the Four Year Plan?

A. No.

Q. Is it true if I remark in connection with that project that it was only for the good of Hungary?

A. It was a purely internal Hungarian affair.

Q. When founding the company, was any coercion or pressure exercised?

A. No, I know nothing of that.

Q. Did the partners have equal right during the negotiations or not?

A. Yes, the partners had all equal rights as far as I know about it. I know nothing of any pressure.

Q. One concluding question concerning Ibschierbaum. Did I understand you correctly to say that the area was leased by Danube-Chemie and the installation for the dehydration plant was the property of Merseburg?

A. Yes, that is true.

DR. ASCHENAUER: Thank you; I have no further questions.

DR. HEIZE: Dr. Hanke, Counsel for the defendant Dr. Oster.

DIRECT EXAMINATION

BY DR. HEIZE:

Q. Dr. Buefisch, I have only a few questions to put to you. Initially let me recall to your mind that a few weeks ago Professor Krauch had testified in this courtroom that in the Fall of 1940 the then General Director of the Hoesk Hydro, Dr. Aubert, went to Berlin in order to ask for Farben's assistance with regard to the far-reaching plans which Dr. Koppenberg had for Norway. I assume that you still remember that. I should like to put the following question to you. During that visit did you see Dr. Aubert and what was the occasion?

A. I remember that that occurred in September or October 1940. I remember the date exactly because Dr. Oster asked me one evening to go to some place where he was to meet Dr. Aubert. I think that we were to have dinner together. I knew Dr. Aubert very well from the nitrogen negotiations, and I said that I would come. I remember the date because it was the first time when I ventured to appear in public again after having had my eye affliction.

Q. Do you remember the conversation during that dinner? Do you remember what was discussed between Mr. Oster and Mr. Aubert with respect to Mr. Oster's entry into the Steering, the Administrative Council of Norsk Hydro?

A. Yes, I remember that very well. Apart from the normal social talk Mr. Aubert asked Dr. Oster to enter the Aufsichtsrat. He said that Geheimrat Schmitz was there so far; that he only appeared once or twice. He said that he was a friend of Dr. Oster and he urged that he should enter the Aufsichtsrat. He said he would attach great value to that and would be very glad if he would do it. I remember that that was discussed during that evening.

Q. If I have understood you correctly, Mr. Aubert asked Mr. Oster to come in?

A. Yes, of course.

Q. Do you remember what Mr. Oster's reaction was?

A. Mr. Oster was not very keen. He said, "Why do you want to take a man who is going to retire very soon?" I still remember that.

Q. Did Mr. Oster accept or did he not that evening?

A. He didn't directly accept. He said that he would think it over. However, Aubert urged him on in any case.

Q. One more question, Mr. Rustofisch. From the manner in which the discussion was carried on, did you gain the impression that this was the first discussion on that subject?

A. Yes, I did gain that impression. As far as I remember, that was my impression.

DR. KENZ: Thank you. No further questions.

THE PRESIDENT: Anything further from the Defense with respect to this witness?

Then the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. SPEICHER:

Q. Isn't it a fact that Hitler himself approved your membership in the NSDAP, Dr. Baotefisch?

A. Yes; all such mercy applications had to go through the Fuehrer himself. I don't think that one could make any such application for mercy in any other way. I think that such an application had to be directed to the Fuehrer himself.

Q. Now I show you NI-6710-F which will become Prosecution Exhibit 1972. This purports to be a letter signed with Hitler's own signature dated 20 December 1938 which is directed to the office of the Gauleiter in Halle. Did the Gauleiter talk to you about the fact that Hitler had written this letter for you?

A. No. No, he didn't. That is a reply to the application for mercy that was sent to me. It said approximately: "On the basis of your application for mercy you are admitted into the Party."

Q Well, is the fact then that you received the letter and that the Gauleiter's office received a copy?

A I can't say, Mr. Sprecher. I only know the information as it is contained in that document. A letter was sent to me in which it said "You are admitted into the Party".

Q Now, I'll show you HI-6710-G, which will become Prosecution Exhibit 1973. This is a letter from the Personnel Main Office of the SS, which indicates that on the 18th of October 1941 you were transferred from being a leader with the Staff of the Personnel Main Office and appointed as a leader (Fuehrer) with the Staff of the SS Main Office.

Do you recall this assignment or reassignment?

A Yes, I believe that I testified about that here. The lists were kept at the Personnel Department of some Main Office. I think I was listed at Dresden. That becomes apparent from the document. Then, I was entered into the lists of the SS Main Office. That is what it says here. It says here, "He has been released from his assignment as leader with the Staff of the Personnel Main Office, effective 1st November 1941, and appointed leader with the Staff of the SS Main Office. That is a perfectly nominal title, and that really has nothing to do with any duty or activity there. I already said that I had no activity.

Q Now, the document shows that you had an SS number. Do you know whether or not Kranefuss or Keppler had any command or whether they were also in the same position as you were in the SS, so far as not having a group of men under them, or was that different in that case, so far as you know?

A I can't say that. At any rate I do know that I had no authority and that I had no group of men under me. I really had no connection with them. Whether Kranefuss in any way had any other authority or whether he could issue orders I don't know. He wore a uniform I remember - a grey uniform even; but I don't know whether he had any authority, and I never asked him.

Q You don't know about Kappler either?

A Kappler also frequently wore a uniform. For some time he had been active in the Staff of the Fuehrer's economic advisors and later he was active in the staff of the Foreign Ministry.

Q Yes, I realize that, but I just meant in the SS. You don't know whether or not he held any command in the SS? You don't know that?

A No, I really can't say. I don't know whether he had any command over troops. I don't know that.

Q Well, now did you consider Kruefuss and Kappler economic leaders who were real Nazis, or didn't you think they were real Nazis?

A Kruefuss was an economic advisor of the Fuehrer. That is to say, he had to have been a National Socialist. Mr. Kruefuss in the final analysis was also an economic leader. He was a National Socialist, but he was also independent in the industry and had his own ideas.

Q Well, did you consider them Nazis? I mean real Nazis. I don't mean merely Party members.

THE PRESIDENT: Well, Mr. Sprecher, that question is just calculated to confuse. "Real Nazi" might be a member of the Party, and I have a feeling that you mean something else. Make it a specific question whether you mean simply were they members or sympathizers or something of that sort.

A. SPECKER: I'm sorry; it seems the phones are on and off. What did you say, Your Honor?

THE PRESIDENT: I said the question is calculated just to consume time. "Real Nazis" might be calculated to ask whether or not they were in the Party. Can't you make it a little more specific -- to say whether or not you believe they were members of the Party or in sympathy with it or something of that sort?

THE COURT INTERPRETER: Your Honor, the statement didn't come through. I think you'll have to repeat.

THE PRESIDENT: Can't you reform your question?

SEN. SPROCKER:

Q Did you consider that Krenzfuss had anti-Nazi ideas?

A Mr. Sprocker, such questions are very difficult to answer. I have seen people with Party badges and wearing uniforms. That is to say, they were National Socialists. For instance, let me mention a man like Sieder or Krenzfuss. What does it mean, "Is he a convinced National Socialist", or "Does he have his own ideas and does he express them"? Krenzfuss, of course, did that. He said, "I am opposed to this and that; that doesn't suit me". But in spite of that he wore a uniform, and he had a Party badge. Quite frankly speaking, I have seen many of these people. There were even people who didn't have a Party badge, and perhaps, they were more National Socialist than someone who had. It is very hard to penetrate into the inner-most feelings of these people.

Q Now, you testified that you opposed anti-Semitism by certain steps that you took on a number of occasions. What other matter in the Nazi program, whether it was in the Nazi Party program or what the Nazi policy came to be, so far as you saw it, that you opposed - that you personally opposed?

A I believe that I have indicated that when giving my testimony. I personally considered the idea of "absolute autarchy" as something economically unhealthy. I knew that national economy in Europe was being expanded, but I always opposed the exaggerated methods, and I was always inner-most opposed to such methods. I was always opposed to the Party view that people, merely because they were Party members, merely because they wore a uniform, were considered to be efficient enough to interfere with matters of industry, about which they didn't understand anything. These are matters to which I was opposed. In summary let me say that I turned against all excesses. I turned against them as far as it was in my power to do so. I even openly criticized them.

Q Let's go into some more of these excesses. What excesses are you referring to, Defendant?

A For instance, let us assume the so-called "Gleichschaltung" (coordination). That is to say, the interference in matters of industry, as I indicated it this morning, the exercise of influence of the Gau Chiefs and of the Gau Economic Advisors. Beyond that, planned economy, interference with industry, interference with science. I think these are excesses, in my opinion. Of course, they are excesses which are not very tangible and can be specifically described, but they have their effect. I was also opposed to the fact that young students were told to march more than to study. They said that "This or that science is superfluous for our purposes; we don't have to sponsor it; we can manage without it." All that sort of talk had to be combatted. Naturally one couldn't say that it was all wrong and that one would have to do everything in a different way as from tomorrow; but one tried to exercise one's influence.

Q Now, apart from the Hitler Youth and the SA, you came to belong - or to support financially - the SS, the NSDAP, the NSKK (the National Socialist Kraftfahrer or Motoring Corps), and the NSFK (the National Socialist Flieger Corps or Flying Corps). Is that correct?

A This morning I explained that we wealthy people at Leuna were asked to make such contributions. Any such attempt would have been misunderstood; they would have said they wanted to get away from such obligations, because they didn't want to pay the money. That was generally the case.

Q Now, I'll show you Prosecution Document XI-1106, which will become Prosecution Exhibit 1974. Now, I will first call your attention to what this is, Defendant, and then I'm only going to ask you to look at one paragraph. This is a letter from Krenofuss to Himmler, dated the 21st of April 1943, and will you go over to the third paragraph from the end, where Krenofuss speaks about five persons, namely, Kleinmann,

Schmitt, Voss, Ulls, and Boergar, who haven't been attending the Circle of Friends very regularly, and who, therefore, are not to be invited to the Circle of Friends of Himmler in the future. Did you talk to any of those gentlemen mentioned about why they were not invited to the Circle of Friends after 1943?

A I didn't understand your question Mr. Sprecher. What were you getting at?

Q I asked you if you talked to any of those five gentlemen who are mentioned in the third paragraph from the end, concerning why they were not invited to the Circle of Friends after 1943.

A Of course I only know Mr. Voss. I know of Voss that he wasn't even present in Berlin. I believe that he had some position with the Hermann Goering Werke. During the last years I saw him in Berlin only very rarely. Before that he had become Economic Advisor or Economic Examiner. I don't know Mr. Witz and I don't know Mr. Kleinmann. I don't know who Schmidt was. It may have been the former minister.

Q You didn't know them, then you didn't have any talks with them. Thank you very much. You don't know that anything happened to these gentlemen because they failed to turn up in the Circle of Friends, or do you?

A Happened? What do you mean -- happened? What could have happened to them? At any rate none of them told me about anything. I am just reading the name of Schmidt. I think that I saw that name somewhat later with Dr. Kranz. He was known generally as a very amiable man but I really had no personal contact with him.

Q Did Kranz at any time discuss with you the lectures which were to be given before the Circle of Friends?

A Lectures? He told me that a lecture will be held about -- I don't know -- the travels of Mr. Halferich. It may be quite interesting. He said "Come along. It will be very interesting. Why not listen to it?"

Q Now, I show you Document NI 14519, which will become Prosecution Exhibit 1975. Now, this purports to be a memo from an SS man concerning some discussions between Hitler and other people as to what the topics of the lectures at the Hitler Circle were to be. Does that refresh your recollection that there was some discussions concerning Calander's activities in the Crimea, or the combatting of partisans?

A I believe that Mr. Ohlendorf has testified about that here. I personally know nothing about these discussions. I know that such a lecture on partisan fights was never held. At least not while I attended.

Q Did Dr. Kranzfuss discuss with you the question of your own promotion from time to time in the SS?

A He didn't converse about that with me, but I talked to him. I said to him -- "Listen, Kranzfuss, on the first of April I received a report that I was promoted from Obersturmfuehrer to Hauptsturmfuehrer or Sturmbannfuehrer. I don't know why. I wasn't active in any way. I didn't win any awards. I was disappointed once and that will suffice as far as I am concerned. I don't want all these things." I think that after this conversation I wasn't promoted any more, after 1943.

Q Did Kranzfuss ever tell you why Goeppler or Himmler wanted the Circle of Friends to continue and what its purposes really were?

A I only know that in 1943 the older members or the older friends had a quarrel, as it has been expressed in one of the documents here, and they couldn't get together as Kranzfuss wanted them to. He actually wanted them to act at his bidding. But it's not quite so simple for these industrial people who all have their own independent thoughts. As far as I was concerned I always knew that it was a purely social gathering where we would converse about questions of the day etc.

Q I am sorry. I was talking about what Kranzfuss might have told you or what Goeppler might have told you about what the purposes of the Himmler Circle were. Did they ever tell you why the SS wanted the Himmler Circle to continue?

A If at all, Kranzfuss made indications to us to the effect that he wanted decent and serious people of industry to attend these meetings and to converse about all sorts of matters.

"a said that if any excesses or abuses, or crooked deals occurred they should be discussed during these gatherings. It often occurred that somebody said -- well, somebody got hold of something which he really shouldn't have. But not much really could be done because Mr. Koppler didn't have much of an influence as the head of this Circle of Friends. We really had the basic idea to handle everything in a clean way. There were always, after all, things which weren't so nice in industry and we knew about that.

Q Was it the purpose of the Circle then to clean up things in industry which weren't so nice?

A I don't think you could call it the purpose, but you may say that we had an opportunity there to state frankly if something had become conspicuous. One could say that it wasn't right that a National Socialist, an old Party member, would try to get a delivery of goods by displaying his old Party membership. Whenever we noticed any such instance, we said, well, that is a typical case of excess. We protested against it. Whenever anything like that was expressed Koppler would say "Well, you are quite right." But after all it was difficult to find some channel for correcting these excesses.

Q Did Kranzfeld ever say that Hübner or Koppler considered the Circle of Friends to be an agency for helping to correct excesses in the Nazi party?

A Excesses perhaps wouldn't be the right word. I think that he wanted to act against any dealing or a lean matters which were not clean or straight. Whenever I noticed something which wasn't cleanly in a clean way handled I always frankly opposed it. These were matters which were not clean or straight. After all that wasn't a program. It was merely an opportunity to speak one's mind. It wasn't quite simple in Germany under the National Socialist regime. Very often the tendency was to say, "Well, be quiet and let it go."

Q Did Kranzfeld tell you who had approved your being a member of the Circle of Friends or of the SS?

A He told me at the time that he, as a man of higher rank, had an opportunity to recommend people of my status.

Q Tell, Mr. Rutherford, we can save some time. Did he tell you with whom he talked or didn't he?

A He had to report this matter to Himmler. Present it to Himmler. or at least to the SS Main Office.

Q Thank you. Had you been associated with Koppler before the foundation of Grebap in 1934?

A At one time I had to adjust a patent controversy with a firm called W. H. which was active in the hydrogenation field. There was some violation of one of our patents.

This was done through Koppler. Such things were handled through him.

Q Now, did you talk to any of the Vorstand members of Farben before you decided to join the SS or the Circle of Friends and if so which one?

A I didn't discuss that with any one before that. Afterwards I remember I occasionally told Geheimrat Schmitz that I was invited to the Circle of Friends and that I would have to go there. I did that from a disciplinary point of view because, after all, I saw in it an industrial circle. I also think I told Dr. Krauch about it but I think, maybe I did not tell Krauch, but I often told Schneider. This was purely a matter of discipline but, of course, I was responsible for it myself.

Q Did you tell any others besides the gentlemen you have mentioned?

A I personally didn't attach any value to spreading that around. It is quite possible that I told it to one or the other, that they learned about it; at any rate, some of my colleagues knew about it and others didn't. How they learned about it I don't know. At any rate, I wasn't interested in spreading it.

Q You weren't ashamed of it, were you?

A No, I wasn't ashamed of it. On the other hand, I thought that it would be just as bad to brag about it, to say to people: "Look here! I am invited. What an honor!" I didn't do that. I just took it. Even if it is considered as an honor you don't have to spread it around.

Q Did Krauch and Schmitz approve of your joining the Circle of Friends?

A At any rate, I spoke to Schmitz, I know that, and I said to him that I joined and he said: "Well, if you like it, why don't you go there? I have nothing against it." I don't

know about Krauch. I am not sure whether I mentioned it to him. I didn't consider it to be an absolute necessity to tell him. I told him occasionally, as I have explained before.

Q Did you feel that you owed your invitation to join the Circle of Friends and your promotions in the SS to the fact that the SS wanted to have closer ties between the SS and I.G. Farben?

A I never had that impression. I have already stated here that this was a purely personal matter. I must say that I was not of the opinion that through such honors one would exploit any connection and gain any influence.

Q I show you NI-6233 which will become Prosecution's Exhibit 1976. This is an affidavit by you dated 17 April 1947. Will you look at the fourth paragraph, please, where you speak about the invitation to join the SS and why that came about?

A Yes, it says there, "I am today of the opinion" -- do you refer to that paragraph?

Q Yes, that is right.

A "that my invitation to the Circle of Friends and my promotion to the SS is merely due to the fact that I intended to bring about an ever-increasing connection of the SS with Farben."

When making this affidavit on 16 April 1947 it was pointed out to me during my interrogation that it was not my person in which the interrogators were interested. They always said: "Well, the SS always tried to find some sort of connections." I said: "Looking at it retrospectively, that is possible." That really never occurred to me at the time. I am today of the opinion after having seen the entire development, but at the time I didn't express the slightest

opinion or I never held the view that that was the intended purpose. That is my opinion.

Q Now, did you at any time before 1945 have any criticism of the foreign policy of the Third Reich or the Nazi Party?

A No, I never made any speeches. I am not a politician. Privately I expressed such views.

Q Now, what did you criticize privately?

A In my opinion I criticized the general point of view that in the scientific and technical field our connections and contacts with foreign countries were to be restricted. I can only speak about my particular field. They said that they didn't need professional technical books and literature from abroad. They said: "These things cost foreign currency and we can do without them." I said: "That is a wrong attitude. We have to try to cooperate with foreign countries."

Q What other points?

A I discussed the possibilities of production. I talked about everything which interested me, particularly in the technical field.

Q Dr. Bucherich, I was asking you questions about your criticism of the foreign policy and you now mentioned one point and limitations of technical information and science. What other points did you criticize privately concerning the Nazi foreign policy?

A Well, I really can't think of any other criticism. Naturally, it largely depends upon the events in our technical sphere. It merely mentioned limitations imposed upon us with respect to the exchange of experiences. I merely criticized matters which I positively could judge and about which I knew something. It is very hard to criticize in a

field in which one is not versed. I said one thing -- and I mention that in one affidavit: "It looks like force and bluff, what you have been doing in Czechoslovakia." That was my impression and I openly said so. I said: "I hope you will burn your fingers, one shouldn't do such things." I am not a politician, mind you, but I merely expressed my own personal opinion.

Q. You said you spoke of that openly? Did I understand you correctly, Dr. Gustofisch?

A. Yes, I spoke in the circles in which I moved. Those are the chemists and engineers with whom I was acquainted. I said: "This looks like force"; and other people said: "We think that is a clever political measure."

Q. Were you referring to Munich and the events just before Munich?

A. No.

Q. What were you referring to?

A. I am referring to the march into Czechoslovakia.

Q. In March 1939?

A. Yes, 1939.

Q. You call that bluff politics?

A. I said: "That is bluff, the whole march into Czechoslovakia." I said that was my opinion about it, at least.

Q. Did you talk to any Czechs after that time in any business connections you had?

A. Mr. Sprecher, I really can't say if I have discussed that with any Czech in business negotiations. I really don't remember whether I met any Czechs.

Q. Now, the exhibits here show that there were several donations over the period of years to the SS, each of

100,000 Reichsmark. Did I understand you correctly to say this morning, that you were not advised of any of those donations after they were made as far as you can remember?

A. As far as I could remember, I said that I no longer knew whether I was told directly about those matters. I considered those contributions as something quite ordinary, as I said this morning, and I didn't pay any particular attention to those things. At any rate, I didn't give those contributions myself.

Q. Did you talk to any of the other industrialists you saw in the Circle of Friends as to whether or not Kranofuss had also approached them for one of those contributions?

A. Well, it is possible that one of the gentlemen whom I knew, Mr. Bingel or any one of those, said: "Listen, did Mr. Kranofuss approach you, too?" and I may have said: "yes"; but I really don't remember it. We were approached from many sides for contributions.

Q. Now I would like to go back to the Hitler Bueterfisch Gattineau meeting in the fall of 1932 for a few minutes. Leuna was constructed during the first World War; is that correct?

A. Yes, that's correct.

Q. Now isn't it true that even during the First World War, the nitrogen production of Leuna was partly used as a fertilizer to increase German food supplies during the war, in addition to being used for the production of explosives?

A. Yes, that was the purpose.

THE PRESIDENT: Mr. Prosecutor, the question is answered, but it is very remote. I hope we don't get our issues back to the First World War here.

BY MR. SPRECHER:

Now concerning the period the First World War and the Second World War wasn't Leuna often represented in Farben publications as performing an important part in the Autarchy of Germany, or the so-called resurrection of Germany from an economic or military point of view?

A. Mr. Sprecher, that is quite possible. That it was said, "Here is an enterprise which is based on German coal, and which is producing German raw materials". That was widely discussed. Many articles appeared. It was said from these German raw materials we were producing finished products. Similar articles were produced in different fields and as I stated during my evidence, I said that the same thing happened in England. British gasoline was produced from British coal, etc.

Q. I was asking you about Germany, and Farben publications.

Now concerning the meeting with Hitler, did you have the idea that that meeting might be helpful to Farben, or did Dr. Bosch have that idea?

A. It was Bosch's idea.

Q. Do you know who, in the Nazi party, was talked to, so that that conference was arranged? Did you ever find out about that?

A. I didn't find out about that, but as I said here, I was told by

Gottineau. Gottineau suggested this discussion or mediated it. I was in Leuna and Gottineau was in Berlin.

Q. Yes, Doctor, but to whom did Gottineau go, if you know, in order to arrange this meeting with Hitler?

A. Well, he turned to a certain gentleman in the party whose name I do not remember at the moment. But he mentioned the name. I know he did. At any rate I had nothing to do with that man.

Q. Do you recall whether or not Professor Haushofer, the Geo-politician, was the man?

A. Yes, Haushofer. That is the man, yes.

Q. Thank you. Now in 1932, is it not true that the Nazi Party had the largest representation of any single party in the Reichstag?

A. If you ask me for these political details, I really cannot give you an answer. I remember it was so, but I really cannot commit myself because I do not have all these figures in my head.

Q. Had you considered yourself, with Bosch or Gottineru, before you went to see Hitler - had you considered then that it was possible or probably that Hitler would be coming to power within a year, or wasn't that discussed at all?

A. I did not have any preliminary discussions with Bosch. Bosch quite generally asked the Press Department to take a position with respect to the demonstration and columns as they were made in those articles about the production of synthetic fuel. Gottineau told me and I heard that not only National Socialists but a number of other people said such things, too. Quite a number of parties were writing such articles. It was a political matter.

Q. I will come back to my question in a minute, but since you have raised something else, let me ask you this. Do you recall any single article in the Voelkischer Beobachter, the official Party publication of the Nazis, headed by Rosenberg, - any single article which was against Leuna, or against the synthetic gas and fuel program?

A. I do not have this paper before me. I do not know whether it was in Voelkischer Beobachter or in a provincial paper, or whether it was in a National Socialist paper, or in the Berliner Tageblatt, or whatever paper it was. At any rate that need not necessarily have applied specifically to Leuna, but this may have applied to the automobile industry, to import associations which discussed the mineral oil field in the following way: "Is the consumer to pay for everything?" but I really do not remember that specifically.

Q. Dr. Gustafsch, so as to ask the issue very clear, we will agree that there was criticism in many German newspapers of the Leuna program, the synthetic fuel program. Now I am asking you whether you know, or whether you don't know, that there was any criticism in the Nazi papers?

A. Mr. Sprecher, at the time when I was at Leuna, in 1932, I read the so-called Marseburger Korrespondent. This was my favorite paper, but I was not in the habit of gathering newspaper articles. That was a matter for the Press Department, and I did not know about the activities.

Q. Well now, let me ask you this. Do you really remember then that you talked to Hitler about any attacks in the Nazi Press against the synthetic program, or don't you really remember that?

A. Yes, certainly. That is what was generally stated by the Press Department. They said that there were certain attacks, and consequently we had lectures at Leuna.

Q. Doctor, I am not talking about the lectures at Leuna. I am only talking about the meeting with Hitler just now. Now did you, in the meeting with Hitler, if you remember, really talk to Hitler about any attacks in the Press, in the Nazi Press, against synthetic gas production?

A. As far as I remember, I told him that there were attacks in the Nazi Socialist Press, among other newspapers, which were opposed to synthetic production of gasoline, and I told him that we did not consider that that was right. I think that that is what I said, - approximately.

That was my final sentence.

Q. You did not talk to him about any support which the Nazis might give to the program, the synthetic fuel program in the Reichstag or in the Reich Government?

A. No.

Q. Did you discuss Hitler's ideas on autarchy at the time?

A. You mean when I went to Hitler himself?

Q. Yes.

A. I personally only talked about those things about which I knew something, and that was gasoline. He spoke of motorization. He said that everybody would have to have his own car; there would have to be super highways. I only spoke about gasoline.

Q. How long did that conference last?

A. Well, as far as I remember, he spoke at great length. Perhaps an hour, or an hour and a half. These are reminiscences dating back to 1932.

Q. Did Dr. Gettineau talk very long?

A. No, he didn't.

Q. Did you do most of the talking, as far as Farben was concerned?

A. I purely held the technical lecture. I said that is how it is done. That is how you gain gasoline from coal.

Q. Now, Dr. Bueteffisch, I show you MI 4304, which will become Prosecution's Exhibit 1977. This document contains excerpts from a series of books which are entitled, "25 Years of the Leuna Works". Now the part we are now interested in so far as questioning you goes, is toward the end, from the second part of the series of books on Leuna, which speaks of the meeting with Hitler in 1932, - if you look over on page 115 of the original, you can tell that from the center of the page—

THE PRESIDENT: Whereabout is it in the mimeographed copy?

MR. SPEECHER: That is pages 12, 13 and 14 of the mimeographed copy, Mr. President.

THE WITNESS: What page in the German please?

MR. SPEECHER: Mr. Wulfschlag is now showing you. Page 15. Now we will show you the original, if you go on after the newspaper clipping from the Berlin Daily, and then you come down on to the next page, to a place where it is stated that "this memorable conference with Hitler remains indelibly printed in Dr. Eustofisch's memory. He reports on it," and thereafter there is a purported report which you gave on this matter.

Would you please just look through that until you come to the end of the quotation which purports to give this report.

That is on page 14 of the English mimeograph.

THE PRESIDENT: Let us not get our record in a bad shape by our conversations between the gentlemen and the witness here.

BY MR. SPEECHER:

Q. Have you finished reading the quoted report?

A. Yes, this is a very extensive report, and I looked at some of it. Quite generally let me remark that this is a paper written on the occasion of an anniversary. I did not write it but it was some author who was entrusted with putting it into writing. As far as I remember, that was a National Socialist author who has tried, in a manner of speaking, to give us a description of those events. You must not forget that this book was written at the end of 1940 — 1940 to 1941. It was written on the occasion of the twenty-fifth anniversary of Louna.

I remember that this matter was to be compiled initially by the chemical men of the plant. They, however, had no time. Dr. Schneider then hired an author — I think he was called Mr. Grelling —

Q. Is that Walter Grelling?

A. I don't know what his first name was.

Well, at any rate, this man had received the order to write, on the occasion of the twenty-fifth anniversary, a book. This anniversary book was to have been a surprise to the directors. I remember that this Mr. Grelling, who worked together with one of our chemical men who had a little literary talent, worked on these five volumes. He wanted to write it from the point of view of the slogan — Science Breaks Monopolies. He wanted to praise Louna and he wanted to convey that in the year when Germany had won victories. He put it on rather thick, and he wrote it in the form we see it in now.

He came to us once and he asked us for a short interview with me. I said, "Well, if you can make it brief you may come. What do you want anyway?" He said, "You were with Hitler once. I heard about it." I said, "Yes, that may be so." And he said, "Oh, that is very interesting."

And as it is usual with authors he made some notes and he asked me

to tell him about it. I thought since he was an author I had to be rather careful about what I said. I know that he wanted to publish it in that year 1941 at the time we had our victories. I told him something quite impromptu. He made some notes and then he said, "I just thought of something. Can I do that in the first person; can I tell the story in the first person?" I said, "Well, do what you like, as far as I am concerned, but don't bother me much about the whole thing. And at any rate it is supposed to be a surprise for us, isn't it?"

I remember I read this anniversary book that evening, when we all sat together one evening to celebrate our twenty-fifth anniversary. This book was put on the table as our special surprise. I remember too that I myself was very surprised about what was written there. If you read the text then you see that the man wanted to praise me. He mentions some matters which are not in accordance with the straight facts, but they were merely put in to make the book more decorative from the literary point of view.

He said, for instance: "One nice, sunny summer morning we went by car to Munich...." and then he goes on describing the whole thing. He then describes things as he understood them. "Some people foresaw what was going to happen." And soon he speaks about the gasoline synthesis. He then summarized what the Berliner Tagesblatt wrote. The National Socialist Press, of course, wrote nothing about it. It says here that only the Berlin daily papers decided the hydrogenation, and then he says how the visit went off. He wrote down what I myself am supposed to have said, and then he says in one passage.... I must read it first. But this too is decorative and gives far too many details.

"This result of the Fuehrer's conference meant a strong support for Lunge. Now, one could start with hydrogenation. We went back proudly, having gained a deep insight into historical developments." etc.

All these are matters written by a writer. He didn't ask me whether he was allowed to write this book in that manner. That was his own affair, after all. I didn't correct him and I didn't see it.

He said, "Buetefisch made the decision to go to the Fuehrer." I don't know what honor he wanted to bestow upon me with this twenty-fifth anniversary book, but it looks like he wanted to praise me unduly. I only had two or three brief conversations with him.

The book never actually appeared. We read it; we read many parts of the book, this was not the only one, and I remember that many directors said, "For goodness sakes, the man has really gone too far. A book like that cannot be published." The entire publication was immediately stopped. I think Schneider said that we couldn't publish it under any circumstances, and it never was published.

At any rate, you will find that many things which that man said as a free writer are obviously wrong and I can't say any more. Those are not my words and they are not my expressions. He is speaking about the maintenance of secrecy and all sorts of phrases which —

THE PRESIDENT: I think you have sufficiently answered the question that was propounded. Let the Prosecutor ask another one.

Q. Now, Prosecution Exhibit 614, PL-5830, contains a speech by you in which you said that in 1937 you accepted an order from the Reich Government to expand gasoline production with all possible energy.

You testified about this exhibit yesterday. Now, that was not an awfully long time after this meeting with Hitler. But let me ask you this. From what Reich agency did you receive this order in 1937?

A. As far as I remember, I didn't say that it was not long after the conversation with Hitler, but I said that it was immediately after the conclusion of the gasoline contract which was concluded with the Reich Minister of Economy and the Reich Ministry of Finance. It is stated in this contract that Esso would have to expand up to 350,000 tons of gasoline. That was the request of the Reich. The request was quite obvious because they wanted to save foreign exchange.

The order was very clear, "We asked you to give us 350,000 tons and we give you our guarantee." That's what the Reich Ministry of Economics said.

Q. That is what I wanted; the Reichswirtschaftsministerium, the Reich Ministry of Economy. Now, you testified that this contract was not profitable to Farben because Farben had to turn 91 million Reichsmark which it made as profits back to the Reich over a period of ten years. Now, Dr. Buecherich, isn't it a fact that all of that money was profits over and above the guaranteed profit which you got under the original 1933 contract? Every bit of that 91 million Reichsmark?

A. Yes, that was above the guaranteed surplus, and it is quite correct, Mr. Sprecher, to point that out. I am glad that you drew my attention to it. From these 91 millions I don't remember the exact figures, but I think 6 millions were deducted which we had received from the Reich before, so that the difference was only 85 millions, I think. That is true, but the final accounting about what we had to pay to the Reich was 91 millions, minus the two years, then we had received that, that may be true.

THE PRESIDENT: Just a moment, Mr. Sprecher.

MR. SPEECHER: May I have two questions?

THE PRESIDENT: If we don't get in trouble with the sound track, it is perfectly all right. We will be glad to do it.

BY MR. SPEECHER:

Q. Now, is it not a fact that prior to this contract of December, 1933, Farben losses in the hydrogenation investments exceeded 300 million Reichsmark?

A. Mr. Sprecher, the experimental expenses are contained in that sum, expenses for experiments in connection with a big problem, as I described it yesterday, involving 145- to 150 millions. Those expenses are included and they were not booked on the credit side, that is how we arrive at these figures. Figures can be compiled in a similar way for any big problem or experiment, as Buna or Vistra for example. As to investments, the figures are always different, that is the question how to interpret the figures, a juggling with figures.

Q. Now, this loss amounted to approximately half of the nominal capital stock of Farben, is that correct? Is this loss up to '33?

A. I have already said you can't count 300 millions. If you have 300 million loss and if somebody else gives you 150 millions for patents and experiences then the actual loss is only 150 millions. And then if you read the document properly you will find that with these 150 millions you have to cover a plant which is producing 300,000 tons of gasoline. That is the value of the installation. These are expenditures but not losses; that must be misinterpreted. That is my opinion which I think I have expressed when I tried to clarify this case.

Q. In other words, if a project like Loun and synthetic fuel turns out successfully, then these expenditures are not losses?

THE PRESIDENT: We are of the sound track. The Tribunal is in recess until tomorrow morning at nine o'clock.

(The Tribunal recessed until 0900 hours, 11 March 1948.)

Official transcript of Military Tribunal VI in the matter of the United States of America against Carl Krauch, et al; defendants, sitting at Nurnberg, Germany, on 11 March 1948, 0900-1630, the Honorable Curtis G. Shaks, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Military Tribunal is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please Your Honors, the Defendant Haefliger is absent due to illness, and the Defendants Lautenschlager, Ilgner, and Kuehne are excused by the Tribunal.

THE PRESIDENT: Any announcements?

DR. VON ROSSETT: My colleague Dr. Lammert asked me to ask the Tribunal to excuse the Defendant Dr. Kuehne for today's session for the preparation of his case.

THE PRESIDENT: That request is granted. Anything further from the Defense? Anything from the Prosecution?

MR. SPRECHER: No, Mr. President.

THE PRESIDENT: Mr. Prosecutor and Dr. Nolte, if I might see you two gentlemen just for a moment about the pending motion at the 10:30 recess. You may continue with the cross examination, Mr. Prosecutor.

HEINRICH BUSTEFISCH -- Resumed

CROSS EXAMINATION -- Continued.

MR. SPRECHER:

Q. Our Exhibit 528, NI-7836, contains the contract between the Ministry of Aviation and the ~~German~~ ^{German} Works, Nurnberg for the production of 200,000 tons of aviation gasoline. The contract was made in 1936. Let me ask you this. Did Farbon ever make any contracts to produce aviation gas with any civilian airplane companies?

A. There were no civilian aviation companies in that sense. The entire aviation including civilian aeronautics was under the jurisdiction of the Air Ministry.

Q. Now, in our Exhibit 411, NI-4955, contains a memorandum from Hitler to Goering at the time the Four Year Plan was established in the fall of 1936. In that memorandum Hitler discussed "a program for the final solution of our vital necessities," and states his views concerning the importance of the expedited fuel program and the expedited Buna program. Now, in your own discussions, Dr. Bustafisch, with the then head of the Economic Group Motor Fuel program in its larger sense was not based upon peacetime requirements but upon mobilization requirements?

A. When the Motor Fuel program was drafted, as far as we know it was a matter of course that the fuel to be produced was to be needed for peacetime requirements, for we knew that an enormous increase of peacetime requirements would result because of the over-increasing motorization in Germany. That was a natural --

Q. Dr. Bustafisch, please, the question was very specific as to whether Dr. Fischer, your predecessor, as the head of the Economic Group Motor Fuel Industry, ever made that statement to you, namely, that the overall program, the entire program with respect to the fuel, synthetic fuel production was not based on peace requirements but on mobilization requirements, or don't you remember?

I would well imagine that you are thinking of the following question, whether the mobilization figures were laid down in the Economic Group, and that was a thing that was done uniformly in all economic groups; but that doesn't mean that the production was intended for a possible case of war. That is just a general statement that was made everywhere.

Q. Now, you mentioned in your own testimony on direct examination our Exhibit 414 which was a conference in October 1936 in Berlin, when Dr. Fischer and you were present in addition to a number of men from the Ruhr, when the possibilities of having a second Brabag for the Ruhr area was discussed; and I would like to just quote one paragraph from those minutes which is just before you spoke. But these minutes show a state-

ment by Fischer as follows: "Fischer makes the same statements. Moreover, he states that the total plan is not adjusted to meeting peacetime requirements but to the requirements in case of mobilization."

Does that refresh your recollection?

A. In that connection I can only say that Fischer perhaps made that statement. He probably made it, but he and all the other gentlemen were quite clear about the fact that what was to be produced was far below the normal requirement necessary at the time. It is possible that Fischer made such a statement.

Q. Now, just after that meeting I have just referred to in which Fischer spoke in October, you went to see Keppler, Hitler's economic plenipotentiary and advisor at the time, and you reported to him concerning the projected mineral oil plants. That is shown by another exhibit you yourself referred to during your direct examination. That is the one where you said that Keppler had called you by a wrong title in that he said you were from the office of raw materials. At that time in December 1936 when you reported to Keppler, did you report the planned construction and the planned production for all the mineral oil plants then in the program or merely those in which Farben had an economic interest directly?

A. Mr. Sprecher, I don't know if your dates are correct, whether that conference with the Ruhr industrialists took place before or after the discussion with Mr. Keppler. I can't tell you from memory. Maybe you can show me the two documents?

(The witness was handed a document).

Yes, that is one of them.

Q. You can take my word for the dates, I think, Dr. Buettelisch, the dates I have referred to. We will let the record speak for itself at that point. Just tell us whether or not you spoke to Keppler about the entire program or merely about that part in which Farben had a financial interest?

A. I talked to Keppler about what I knew. Whether this referred

only to Farben's production or whether perhaps also projects of the
Brabag or Gelsenkirch were included, I don't know. I may have included
some thing I heard about the Fischer plants as well.

Q. Don't you remember that Krauch said you were to do when you
reported to Koppler as to whether you could report on the entire program
or just on Farben?

A. Leuna would have been the only thing to talk about if I had
merely talked about Farben, but I was concerned about everything that
I was technically informed about.

Q. The other Exhibit is Exhibit 409, the one with respect to
the Koppler conference.

Now, Exhibit 518, NI-7669, contains extracts from a report which
you made to a number of Farben leaders on the 10th of January 1935. The
report was entitled, "Establishment of the Brabag and its relations to
IG." It is mentioned in your report to the IG men that the first meeting
of the Aufsichtsrat of the technical advisors of the Brabag took place
in Leuna in the presence of Schacht, General Lisco, Colonel Thomas, Major
Wescht, of the Reichswehr, and Koppler, Hitler's commissioner for Economy.
Why was Leuna selected to be the place of this meeting with the gentlemen
who were there present, as just recited, do you know?

A. Probably because Schacht had made this suggestion and because there was a gasoline plant in Louna. There was a hydrogenation plant under production. The people who were informed about this were all mentioned at Louna.

Q. The same exhibit shows that four persons were appointed to the first Vorstand of Brabag, namely, General Bockelberg, Dr. Koppenberg, Dr. Krauch, and Fritz Krenofuss. Now, just so we know who those four gentlemen are, as a preliminary matter, let me ask you several questions. What was Bockelberg's position in the Wehrmacht?

A. As far as I know Bockelberg formerly was in the Military Economic Staff of the Wehrmacht. He resigned.

Q. Was he --

A. He resigned and received a job on a civilian basis with Brabag, probably upon Schacht's suggestion. That is what I know. At any rate, he was not a military man.

Q. Now, the General whose we just mentioned is the man that succeeded General Bockelberg, is that right?

A. Yes, as far as I know he was the successor.

Q. Now, at that time, that is 1934, '35, was Dr. Koppenberg used by the Reich as a trouble shooter on large construction projects in which the Reich was interested?

A. Koppenberg had much initiative, and probably correctly he was considered one of the most efficient and best persons in the work on building projects; but I didn't know Koppenberg before.

Q. That is the same Koppenberg we meet in 1940 with respect to the heavy aluminum and magnesium project, is that right?

A. Yes, Koppenberg's name is the same.

Q. Now, at that time, that is 1934 and '35, Dr. Krauch didn't have any position in the government, did he?

A. Not in 1934 or '35.

Q. And to come to the fourth man, Fritz Krenofuss, what was his position before he got the Brabag position?

A I don't know if he remained there all this time, but he was an assistant and an associate of Koppler's but I don't know if he was that up to that time.

Q When did you succeed Krensch in the Vorstand of Brnberg?

A That must have been, as I have already stated, at the beginning of 1938, as far as I remember.

Q Now, you are quite correct in pointing out yesterday, or the day before, that two exhibits should be read together, namely, your affidavit which is our Exhibit 216 and Prosecution Exhibit 29 which is a somewhat lengthier document in that it is an interrogation covering many of the same subjects. The interrogation is the interrogation in which you talk about the defendant Schneider's alleged statement, "This is War". Now, let me ask you this. Was it you so far as you remember or the interrogator who suggested that this speech was made before 1 September 1939?

A I believe that I testified that Schneider did not make a speech. Schneider said simply in his plain way of speaking, "That is the war", and I think that is what the interrogation expresses. I further testified that I may have been mistaken, that I was undoubtedly mistaken about the dates because I made these statements without any documents.

Q You did know that the order for putting the mobilization plan in effect came before the first of September or 1939, did you not?

A Yes, I was asked, as far as I remember, whether the mobilization plan was issued on the 28th, isn't that right?

Q That is right.

A And I didn't have any documents, and therefore I may have been mistaken in the date.

Q The document is in evidence on that. Now, I'd like to just quote one question and one answer from our Exhibit 29; the interrogator said, "Question: You know Goering's famous saying, 'Guns -- '", and the answer interrupted him. Your answer was, "Guns are more necessary than

Butter. Certainly it must be admitted that a state is only strong in itself if it is secured against its neighbors, that is to say, when it can conduct its policy without fear of attack."

Did you feel after March 1938, that is the invasion of Austria, that it was important to Hitler to be able to continue his policy without fear of attack by increasing the rearmament? I am talking about your state of mind at that time.

A In that interrogation when I was asked "What is your impression?" I believe I said, "My opinion is quite generally that a state, of course, has the right to direct its internal policy in a way as not to be hampered in its own development." I consider that a sound political policy. I further testified that I did not approve this writing of Hitler's. I considered it a bluff. I think it would be better if somebody repped his knuckles. I didn't agree. What was otherwise done in politics, that was something about which I had no right of decision, and I cannot express any definite opinion about it. I am not clever enough to do that. I am not a politician.

Q Now, just one small point which you raised. Dr. Buctofisch, isn't it true that your salary with IG, leaving aside any question of bonuses, rose from around 22,000 Reichsmarks in 1934 to more than 50,000 Reichsmarks in 1940, doesn't that seem right to you?

A I cannot say that, Mr. Sprecher. When I became a member of the Vorstand, of course, I was classified into the salary group of the other Vorstand members. That was in '34 or '35. My salary was equalized because I got another position; but I have no more documents about it, and therefore I cannot tell you exactly.

Q Now, beginning with 1934 when you became a deputy member of the Vorstand, did you not get .08 percent of the dividends of Farben; whereas before that time, you had gotten no percentage of the dividends at Farben?

A Yes, when one is elevated from the job of prokurist to become a member of the Vorstand, that is the difference. A prokurist does not

got any dividends and the members of the Vorstand did. That, of necessity, was quite different.

Q I didn't quite understand that. Now, on Tuesday, 9th of March, you testified concerning a number of our exhibits with respect to the exchange of know-how and experience with foreign firms. Among others, Prosecution Exhibit 971, 972, 975, 958, and 954. You remember that Exhibit 958 is the one which you wrote to Colonel Becht and on which Goering wrote in his own handwriting that Bactofisch was to be responsible to see that no military secrets got out of Germany. In that letter you said as follows: "Up to now, we have carried this exchange of know-how out in such a way that from our side, we have only sent reports which seemed unobjectionable to you after consultation with the OKW and HBM and which contained only such data which concerned all facts or data which were out of date".

Now, after that time did Goering, General Thomas, Colonel Becht, or any of the other important officials of the High Command or the HBM or the Abwehr ever point out to you that they had discovered that you, in fact, let military secrets out to foreign countries?

A I didn't understand the question. What period of time are they supposed to have asked me?

2. I didn't mean to say that anything is supposed to have happened, Witness. I will just repeat the question. This memorandum was written in 1940?

3. Yes.

4. After that time, after you wrote this memorandum to Colonel Rebt, at any time did any of the high leaders of the Army or the Wehrmacht tell you that you had breached their trust by letting out military secrets?

5. I didn't mention the details, but something happened in the case of ethylene lubricating oil. That secret leaked out, although it was forbidden; that is to say, we didn't know that this had to be treated as a military secret. It was discovered — we didn't consider it a military secret. One must take into account, and I explained it, that this was not just a small field of work, this was a very tremendous field of work, and one little drop in the bucket was this ethylene lubricating oil. That leaked out to America, Mr. Ringer took it, and we had a lot of trouble about it later. I had to straighten out this matter, because I really didn't consider it a military secret. One was, of course, exposed to this pressure all the time. I had this tremendous responsibility.

6. Now, our exhibit 99A which you mentioned, that is the letter from the defendant von Knieriem to the defendants Schmitz, Labros, Schneider and yourself, as well as some other German people, in June, 1944, after Haslem had printed his article. Have you compared the statements in the secret comments which were prepared in 1944 with the affidavit which Mr. Frank Howard gave and which was presented as Bautzisch Exhibit 129 a day or two ago? Have you compared the two statements, as far as the facts represented are concerned?

7. I didn't compare the text and the wording of it, but I know that these were articles written by opposing parties that do not correspond with the technical facts. It is quite different when presented by a technical man. Haslem wrote this article at this time for the United States,

under warlike conditions, and the response was drafted by certain people in Ludwigshefen in order to defend themselves against a possible attack.

Q. Now, without reading again the —

THE PRESIDENT: Just a moment.

MR. SPRECHER: Excuse me, Dr. Fleckisner.

DR. FLECKISNER: Mr. President, I think a misunderstanding has occurred. The witness didn't understand Mr. Sprecher's question. If I understood Mr. Sprecher correctly, he asked — he wanted him to make a comparison between the statements made in Howard's affidavit, Buntzisch Exhibit No. 129, and the facts as described in your exhibit, Mr. Sprecher. That is the Haslam affidavit, the answer to Haslam's article. Did I understand you correctly now?

MR. SPRECHER: Suppose I rephrase it, just to be sure.

THE PRESIDENT: Let me suggest, on behalf of the Tribunal, that after all the two documents are in evidence and if there is any comparing to be done, perhaps that is the task of the Tribunal.

BY MR. SPRECHER:

Q. One further question. Do you know whether or not Mr. Haslam had available a copy of the Knieriem report of June 1944 at the time he made his affidavit in 1948?

A. Are you asking me about Haslam?

Q. I am sorry, Mr. Howard.

A. I am firmly convinced that he did not have this document.

Q. Now, Dr. Buntzisch, I am going to mark, to begin with, three documents which I will give you after they have been marked in, so we don't have too much confusion. Document NI 14517 will become Prosecution Exhibit 1978, and NI 14572 will become Prosecution Exhibit 1979, and NI 14497 will become Prosecution Exhibit 1980. Now, in connection with these three documents which I am about to show you, I want to ask you one or two preliminary questions. Your position in the Stickstoffwerke Ostmark A.G., a nitrogen Ostmark firm, was that of chairman of the

Aufsichtsrat, is that correct?

A. Yes.

Q. Was your position as chairman of the Aufsichtsrat in that firm different in its nature than your position in the Aufsichtsrat of the Karsstengrube, or was it approximately the same?

A. No, it wasn't the same. In the nitrogen plants at Linz, we had a technical nitrogen plant, just as -- the same type that I directed in Leuna and in this nitrogen plant, of course, I had to assist the gentlemen with my technical advice. We solved many technical problems. They had a plant that was a little different from ours. We talked to them --

Q. All right, it was different. Now, do you recall that you took a position with respect to the Linz plant of the Stickstoffwerke Ostmark and the taking of machinery and installations from Sluiskill, Sluiskill in Holland which was the following: if the Linz plant was these machines with the authority of the Gobenham or the other offices involved, Forban, or rather, the Stickstoffwerke Ostmark is not to have any responsibility to replace that machinery or its equivalent after the war? Do you remember that?

A. I know that it was stated at the time that because of the necessary rapid development of the nitrogen field, certain machines from the partly-destroyed Sluiskill plant should be taken over. The matter had been arranged technically in such a way that it didn't really fit into the Linz operational program. As far as I remember, the Linz Vorstand said, "We cannot really use these machines, because we have to make too many reconversions and if we take these machines later, we have to give them back anyway," and that was the reason why we said, "If we do take over these machines, then we, Linz, cannot be made responsible to pay for them." That is what I retained in my memory from what was discussed in the Vorstand at the time.

Q. In view of your answer, if your counsel wishes to go into the

documents, he may do so. That is satisfactory from my point of view. You received an invitation from Goring to attend the founders meeting of the Continental Oil Company, did you not?

A. I don't know if it came from Goring or from the Reich Ministry of Economics. At any rate, it was a letter directed to Farben by some Government agency.

Q. Well, I show you NI --- I beg your pardon, I won't be able to introduce that at the moment. I am afraid Mr. Wolfsohn took that out with him. Let me ask a question on this basis. After Mr. Fischer went with Continental Oil or after he went with the Reich Ministry of Economics, did he continue to receive any compensation from Farben?

A. Mr. Sprecher, I don't know, for I wasn't competent for any remuneration to be paid to Mr. Fischer.

Q. What was your official position in the Continental Oil, apart from your membership in the Vorstand or Aufsichtsrat, I mean, what committee did you have?

A. There was no committee, it was the Aufsichtsrat. I believe that sometime I was asked to give my technical advice for some gasification plant. That was only at one instance, or perhaps in two cases, that I remember only vaguely.

Q. I show you NI 14576, which will become Prosecution Exhibit 1981. That is NI 14576. Does that refresh your recollection that you were chairman of the chemical technical board of Conti? I am not asking you to look at the whole document, but merely to note the address and the distribution list.

A. Yes, but I still have to see what is in it before I remember that. Conti Oil made a suggestion to that effect one time, but I never was called in on this affair, because I said that is out of the question for me, I can't do that, and that is why I have to look at it. For instance, here are certain refineries mentioned ---

Q. Dr. Buettelisch, I am not interested in the whole document. I was

trying to refresh your recollection about one specific point.

THE PRESIDENT: Now, Counsel, it would only be fair, if he says that there was some misunderstanding about it, not to pin him down to some statement and try to oblige him to confess that that is correct.

MR. SPEECHER: I'm not, Your Honor. I certainly don't intend to. If that doesn't refresh his recollection as to the point, that is satisfactory.

THE PRESIDENT: Just give him time to look at it and he can give his answer.

MR. SPRECHER: I don't think the rest of the document has anything to do with it.

THE PRESIDENT: Then why introduce it?

MR. SPRECHER: Merely because the heading indicates he held that position.

THE PRESIDENT: Then the introduction of the heading would accomplish that purpose. You put the document to him, and he is not in any position to deny him the privilege of looking at the document. May I ask you, while he is looking at it, what about those three preceding documents? are they in evidence?

MR. SPRECHER: Yes.

THE PRESIDENT: We do not have the last.

MR. SPRECHER: Yes, I beg your pardon, but the processing is slowed up, as you know, and we will get it to you very rapidly.

THE PRESIDENT: That is all right.

MR. SPRECHER: I am making a final check, incidentally, Your Honor, about all exhibits which have been here ordered and affidavits up to last week, with a view to seeing if by any chance there has been any failure of distribution.

THE PRESIDENT: That is entirely all right.

Q. Now, who was Dr. Sennewald on Krauch's staff?

THE PRESIDENT: Now, let's get this record straight, just a moment now. You asked a question as to whether or not he held some position. He looks at the document to refresh his recollection to answer, and then without giving him an opportunity to answer, you ask another question. Let's get this record straight, now, which question do you want to put to the witness?

MR. SPRECHER: I thought he had answered the question, that that never came about.

Q. Did you ever become chairman of the chemical technical board of Continental Oil?

Q. I remember now that I am reading it, I was asked, "Would you advise us on technical affairs," and I answered, "If you have any technical questions, come to me with it," and here I am called the chairman of a technical committee. Now I remember that when I received such a comment, I said to the Continental Oil, or the people concerned with this affair, "It is quite impossible for me to concern myself with these things. These are refinery questions of which I don't know anything," and I didn't deal with this matter personally. That is what I still remember, whenever we needed technical advice, I was approached. That is the reason this is mentioned here.

Q. Who is Dr. Sennevald, S-e-n-n-e-v-a-l-d? Was he a member of Sebech's staff, on the mineral oil side?

A. I believe that he was part of Sebech's staff.

Q. Now, do you recall in July 1942 having received reports concerning the activities of Continental Oil in Eastern Poland, that is then called the General Government, where the former state of Poland had been located, to the following effect: "The greatest concern is the food situation, since allocation of food to Poles amounts to just one-third of what is customary in Germany. If the present situation is maintained, production can hardly be kept up in view of the exhaustion and the rapid increase of fatalities among the Poles." Do you remember that?

A. I cannot remember such a report, I don't remember it.

Q. Do you remember any report from Sennevald in which he said that the ratio of mortality of the Poles had reached such a point that it was absolutely outrageous?

A. I can't remember. When I talked to Sennevald, I talked about some technical problem.

Q. I show you NI 14577, which will become Prosecution Exhibit 1382. My assistant will show you the heading and two parts involved, and then you may peruse the document if you like.

A. Yes, this is a report which Dr. Sennevald sent out from the

Krauch office, and I also received a copy, as can be seen from the distribution list, but this is one of many reports that went to Lewin, and I cannot remember having read this report. If Sennwald had the mission to find out any technical information for me, then he approached me and asked me. I don't remember the statements he made in this document, and I don't remember having read this document. I don't remember, I don't know it any more. The fact that in an occupied country difficulties existed, that is of course quite clear, but it is possible that things weren't as bad as Mr. Sennwald says in this report.

Q. Well, Dr. Buetevisch, let me ask you a further question about Continental Oil. Do you recall that you personally were advised that Continental Oil had taken oil equipment from France which amounted to more than 12,000,000 Reichsmarks?

THE PRESIDENT: I don't want to appear to be technical or interfering too much with your cross examination, but it isn't very helpful to ask a witness if he recalls he was advised. That calls for him to remember anything that anybody, anywhere, may have said to him on the subject. It is just very broad. Now, can you pin it down to something to ask about some time or at some place or if some person advised him of a certain state of facts -- that is proper -- but your question is just calculated to prolong an examination by just asking it in the broad general terms, if he recalls that he was advised as to a certain thing. You don't mean whether he read it in a newspaper, whether someone told him, whether he heard it on the radio, whether it was gossip on the street, it just leaves the thing wide open to a long, long course of inquiry.

A. SPEECHER: All right.

Q. I ask you, Mr. Defendant, if approximately in February 1943, you remember receiving a letter from Continental Oil which was secret and registered, a letter which went to many other officials in this firm in the Reich, which informed all the concerned people that from France equipment

in the mineral oil field amounting to more than 12,000,000 Reichsmarks had been taken and removed to Germany?

A. If I don't see the letter, of course, I can't remember, but I know that quite generally negotiations were being carried on with French oil industry to the effect that oil equipment should be bought from these people on a private enterprise basis, and as far as I remember, for I had nothing to do with it at all, it was said that Germany would later compensate for these machines, or "We are going to repair your shops, so that you can go on working just as you did before." It was just brought to my attention somehow, but I had nothing to do with it at all.

Q. Was there any talk about compensating the Russians for the so-called booty boiler cars which were taken from Russia?

A. Mr. Sprecher, I don't know anything about that, and I didn't concern myself with these things, and they didn't have anything to do with me.

Q. I will show you NI 14579, which will become Prosecution Exhibit 1863, and my assistant will show you the parts immediately involved, including your name on the distribution list.

A. As far as I can see, this is a letter of the Continental Oil Co. with a distribution list containing 25 names. They are informing these people about a measure that has already been taken by the business management of Continental Oil. That was an affair that was quite customary, that one was given informational copies, but there was no possibility in any form or shape whatsoever to do anything against a step taken by the Continental Oil. That was practically a Reich-owned company. That is just like a report of the Aufsichtsrat, I don't know even if I read it at the time. This is one of those many, many reports of which I received a copy. I had nothing to do with it.

MR. SPECTOR: Mr. Hinskoff will have some questions on
Count III.

CROSS EXAMINATION (continued)

HEINRICH BUETELISCH

BY MR. HINSKOFF:

Q Dr. Buefelisch, in your direct testimony yesterday you discussed how it came about that a large hydrogenation plant was erected with the Buna Plant at Auschwitz. I was somewhat confused by the different dates you mentioned and would like to have you repeat a few of the more significant dates. When did you first learn that I. G. Farben was considering Auschwitz as the site for the 4th Buna Plant?

A As far as I remember, definitely established projects were made at the end of February, 1941, very difficult to fix the date. That's my recollection of it.

Q Now I asked when were you first informed that they were considering the Auschwitz -- not the decision to take Auschwitz, but when they were first considering Auschwitz as a site for the fourth Buna Plant.

A That must have been in February also. Dr. von Staden conducted the technical discussions and I didn't get a definite idea of the date, but that was the approximate time. The large hydrogenation plant that you refer to perhaps -- the one that was planned to be constructed there by the Flachhammer Corporation -- that was an affair with which Farben had nothing to do directly but they were only approached as to whether they wanted participate or not.

Q The question related solely to the knowledge with reference to the Buna Plant at Auschwitz -- when it was thought of first to use Auschwitz as a site for Buna, I take it you first learned of that toward the end of February 1941. Is that right?

A. No, the Buna Plant -- and it is also stated in the documents -- was already decided upon at the beginning of February, that it was to be constructed there. I understood your question, when the hydrogenation plant was to be put in the same place where the Buna Plant was.

Q. Well, now that you understand the question, give me your answer to the question as I put it. When did you first learn that the Auschwitz site would be used for the fourth Buna Plant?

A. I can not fix the exact date when Jabros mentioned that to me. We were technical men who were constantly in touch with each other and then we also talked to Dr. von Staden and to other associates. From the records that I subsequently read it can be seen that the people from Sparte II visited that site and that they investigated it.

Q. Do you recall approximately when you first knew of the Auschwitz site as a possibility for the Buna Plant?

A. It was mentioned already in the discussions that I also laid down in the record here. Mr. Josenhans of the Blechhammer Plant talked about it. He also talked about it to me -- about it, about the Auschwitz place. That was in January.

Q. In January of 1941 you spoke to Mr. Josenhans about a hydrogenation plant at Auschwitz in conjunction with the proposed Buna Plant at Auschwitz?

A. That is the information that can be gained from the records, that temporarily -- I was at one time informed that Blechhammer wanted to construct there a hydrogenation plant and then I was only informed about it because Blechhammer said, "Would you, Farben, be ready to participate in such a project?" That is what I remember, but we didn't discuss details. It was only the financial share or participation which was discussed.

Q. When did you first learn of the existence of a concentration camp at Auschwitz?

A That again is hard to answer because now I have read the documents and a report of Mr. Santo dated the end of January already mentions a camp there. And the previous document — No, I believe that's the document — states there is a concentration camp in the vicinity. That is all in the documents. It's true, however, that I didn't receive any copy of these documents and that is also evident from the ones presented here. I don't know any more. I can not say whether I heard in January or February that there was a concentration camp there, because that was only a minor — a matter of minor importance for our tasks. That's what I remember.

Q Completely apart from the documents you refer to, isn't it a fact that before the end of January in your discussion with Mr. Josephson as to the desirability of combining a hydrogenation plant with the Buna Plant, you at that time, on the 10th or 11th of January, were already aware of the existence of a concentration camp at Auschwitz?

A I don't believe that I discussed something like that with Mr. Josephson. Whenever I talked to Mr. Josephson I only discussed financial participation but no other detail. I don't believe that I discussed that at all.

Q Do you recall telling Mr. Josephson at that time — that's January 10th or 11th, '41 — that you were very much in favor of a Buna-Hydrogenation collaboration in Auschwitz?

A During that conversation which I remember to have been very short, I said, "It is technically very easily possible. One can combine a Buna and hydrogenation plant as far as the raw material situation is concerned." As far as I remember the whole conversation was conducted along this technical line. He wanted to hear my opinion as a technical expert and I said, because of the hydrogen production, hydrogenation and Buna are related processes. Actually, no hydrogenation plant was put on the construction site in Auschwitz. That was my technical opinion which I expressed.

Q Dr. Buetefisch, I show you Prosecution's Exhibit 1141 and refer you particularly to page 28 of the German -- that sentence which states: "Dr. Buetefisch was also very much in favor of the Buna-Hydrogenation collaboration in Auschwitz." I ask you -- Have you found that? Have you found it? -- and ask you whether that refreshes your recollection if at the time -- that's January 10th or 11th '41 -- you so expressed yourself to Mr. Josenhaus?

A I've already stated that that was a technical opinion that I held that actually never realized. I said principally hydrogenation and Buna production can be combined and then Herr Josenhaus expressed that by saying, "Dr. Buetefisch has a very favorable attitude towards combination of Buna and hydrogenation." A technical man can not deny that it is possible to combine these two processes, and that is what I actually did say on the basis of my technical information. However, Blochbauer never constructed anything in Auschwitz. It was just a discussion.

Q May I ask just this question: That discussion was not a theoretical discussion; it was a discussion, was it not, as to the desirability at Auschwitz of having that kind of collaboration? Isn't that so? Just as he states in his report?

A Yes, Mr. (Kirkoff), if somebody asks me in my capacity as a technical expert and that was Blochbauer: "He would like to build a hydrogenation plant. It is intended, as the discussion shows, that a Buna Plant is to be placed in conjunction to it. Is it possible technically to combine these two processes?" And I said, "Yes, absolutely it is possible." From the document it can be seen that Mr. Josenhaus also talked to Mr. Ambros. And I said, "That's perfectly all right; technically speaking there can be no objections made against it."

Q Now, from that conversation that he had with Professor Ambros -- that was approximately the following week, was it not? About the 18th of January?

A That's also contained in some document. I don't know any more when it was. He talked to Ambros and he talked on his own behalf — on the behalf of the Blochhammer firm, and he said, "We want to build a hydrogenation plant and you are to construct the Buna factory. Isn't it possible, in view of the favorable location near the coal fields to merge these two processes?" And my opinion was that the technical prerequisites were given. And he said he reported my opinion to Ambros and Ambros held the same opinion because this is a reasonable suggestion.

Q Dr. Rustofisch, in the same report that he makes to defendant Ambros, he mentions, does he not, that a concentration camp will be built in the immediate neighborhood of Auschwitz for the Jews and Poles? That's on page 22 of the German.

THE PRESIDENT: Mr. Prosecutor, if you are asking the witness as to whether the document says a certain thing, the document is the best evidence as to whether it does or does not.

MR. MINSKOFF: That was just a basis for a following question.

THE PRESIDENT: Then you are just calling his attention to that?

MR. MINSKOFF: That's right.

A I know and I read it, but that is a conversation — conference that I did not attend. It's possible that Mr. Josenhans mentioned it, but he didn't talk about it to me. I only talked about technical affairs and possible financial arrangements.

Q Well, Dr. Rustofisch, shortly thereafter when it was decided to build the Buna plant at Auschwitz — Buna part at Auschwitz in conjunction with the Buna Plant, did you discuss that matter with other persons at Farben or did you make that decision by yourself?

A No, I didn't make that decision myself. That had to be discussed with the technical men of Sparte I and II, with our organization. This grows out of many discussions. One can not do this on the spur of the moment. Certainly many people talked about this. Also talked to Dr.

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von Staden, who was directly concerned with this affair. One weighed and considered this matter and asked whether it could be done or not. This can not be done from today to tomorrow.

Q Dr. Gustafsch, did you discuss the matter with the Gebochen, and Professor Krauch?

A I can not say any more whether it was discussed with the Plenipotentiary General for chemical production questions. I believe that Dr. von Staden conducted these negotiations because it was a synthetic process that he had charge of in his capacity as an expert and he discussed that matter with the Gebochen people.

Q. Dr. Baetefisch, on the 22nd of February '41, when it was decided to build the Buna Part at Auschwitz, were you then of the opinion that there would be an adequate supply of free labor for the construction of the Auschwitz plant?

A. On the basis of what I had learned, I said there were sufficient workers available; the Labor Office would take care of the necessary workers, but I had no survey of the actual pool of manpower available.

Q. Did you know then that almost a week prior to the decision to build a Buna Part at Auschwitz that Goering had issued an order that 3,000 inmates be made available to I. G. Farben for building in Auschwitz?

A. No. I saw that Goering order only here as part of the documents submitted. It was a secret Reich matter.

Q. Do you know how Goering was informed that I. G. Farben would need inmates in February of '41 before there was any construction whatsoever?

A. No, I don't know that. Again from the documents it can be seen that the plan for the construction of Buna originated from the ONI and was to be expedited, and that whole project was part of the demands made by the Four-Year Plan, by Goering.

Q. Now, Dr. Baetefisch, you testified on direct examination that in order to obtain the allocation of concentration camp inmates you and defendant Doerrfeld and Mr. Faust all went down to Obergruppenfuhrer Malff's office to explain how many inmates you would need for the construction of Auschwitz. Now, who explained to Goering in February of '41 how many inmates were needed for the construction of Auschwitz?

A. I don't know.

THE COURT: Mr. Prosecutor, you are asking questions that has been answered. You need not return to that question. That question

has been answered. The witness just said that he didn't know how Goering got the information.

Q. When concentration camp labor would come to I. G. -Auschwitz, was that the result of an allocation of the Labor Ministry or the did I. G. Farben make its own arrangements for the procuring of concentration camp labor?

A. The state of affairs was such that, and only as far as I am informed about details of labor employment, the Labor Office said, "We don't have enough manpower. The next workers that you get you will have to take from the camp." From the camp -- and the instruction reads that one has to take them from the camp. That's how I imagine the allocation of labor to have been carried out.

Q. Yes. How the allocation itself -- was that something negotiated directly with the camp? Did you ask at the camp for so many camp inmates or did the Labor Office make the assignment from the camp of so many inmates for you?

A. Mr. Hasdorff, I don't know the details of how this was done. Whether it was the Labor Office that said the camp has to make so many workers available or whether the Labor Office said, "You have to turn directly to the camp." These things were all settled on the spot.

Q. Well, Dr. Bantefisch, I show you HI-14182, which is offered as Prosecution's Exhibit 1984, I believe. We refer you particularly to the second page and ask you whether -- Look at the second page. Have you had an opportunity to read it?

A. Yes.

Q. Now, will that refresh your recollection as to whether it was Farben or the Labor Ministry who took the initiative in procuring concentration camp inmates?

A. I must explain the following in this connection. There had an order been issued for the allocation of these workers by Goering or

Himmler, and we had a letter that we were to make use of this order. Mr. Duerrfeld — Oh, no, it wasn't Mr. Duerrfeld; it was Herr Harr or Herr Faust who had the instruction to work on the basis of this order. The details that are here signed by Mr. Sento, the construction manager, says, "Moreover the concentration camp Auschwitz is going to help you by making inmates available and by taking over work which can be done in their own shops." And then it says, with regard to the employment of construction firms, "We can continue to stay in continuous contact with the Regional Labor Office Breslau or Katowitz —" and so on. I cannot tell you about the actual handling of the inmates or allocation of labor and how they — what kind of effects they had. We had the order and the construction manager had to make the necessary arrangements on behalf of this order. That was done upon the responsibility of the construction management, but you can see that it was done in connection with all the other agencies represented in the vicinity. That is how I see it. I don't know the details and I couldn't even have concerned myself about the details at the time.

Q. No, I am not asking you a question as to the details, Dr. Buchfisch. But now, is it a fair statement to say that in view of the high authority overhead, from Goering and Himmler, to procure inmates from a concentration camp that as a practical matter you didn't at any time have to deal with the Labor Ministry to get inmates. In fact, this was never done when you would get inmates. Is that a fair statement?

A. Yes. This is a letter of the 22nd of April. It says, "Making available of workers for Auschwitz." And it says, "We inform you of the following, these are all inmates that were handed on to the labor in the ordinary course of business."

Q. Dr. Buchfisch, when the defendant Duerrfeld reported at the first construction meeting that Obergruppenführer Wolff promised to assign 700 concentration camp inmates to I. G. -Auschwitz, was that

promise obtained as a result of your confidence of Wolff?

A. I believe that I stated here that Wolff told us, "Well, higher authorities have given the order that these people be employed." That was the Goering order. Then he said -- But I don't remember the exact figures. I said, "Here's a document," and he said, "Very well, we are going to see to it." I don't know if it was 700 or 500. I don't know the details that were discussed there. I don't remember that any more. The conference as such was very short and it was more of an informational nature. Everything was provided for in the order. The order says that the details are to be settled on the construction site.

Q. Dr. Buchfisch, during the construction of I. G. -Auschwitz, the three Farben Vorstand members most directly responsible were defendants Ambros, yourself, and defendant Doerrfeld, is that right?

A. Dr. Duerrfeld was not in the Vorstand.

Q. The three persons present who were most directly responsible, is that right?

A. Yes.

Q. During the course of the construction were there any major differences between you and your colleagues, Ambros and Duerrfeld, with respect to the treatment of concentration camp labor?

A. No. We would have discussed this matter. I don't know anything about any tensions at all.

Q. Thank you.

Now, were there any major differences between you and your colleagues, Ambros and Duerrfeld, with respect to the treatment of foreign workers?

A. No, this didn't happen either. I had only few discussions with these people about it. I didn't concern myself with these details. They were far removed from my scope of activity.

Q. Now, Dr. Buettfisch, is it fair to say that the attitude expressed by the I.G. Farben administration, both in the construction conferences and the weekly reports at Auschwitz, reflects accurately your own views and those of your colleagues.

THE PRESIDENT: Just a minute.

DR. HOFFMANN (Defense Counsel for defendant Ambros):

Mr. President, he is asked about statements made by his co-defendant Ambros about the weekly reports and about the construction reports, although the preliminary question as to whether Buettfisch heard anything about it or talked about it with Ambros was not answered at all. A general question is put to him and then an answer is brought about in this manner which is not founded on any facts. That is why I object against this question about Buettfisch's state of mind.

THE PRESIDENT: Well, in any event, gentlemen, it's not going to be very helpful to the Tribunal to ask this witness whether or not he agreed

with the policies of Farban as revealed literally by hundreds of documents here. That's pretty general. To ask him whether or not the policy of Farban, as disclosed by all of these documents in evidence and the evidence that is before the Tribunal, is really too broad an inquiry. Let me say, gentlemen, we're about to take our usual recess, but before we do rise I think it appropriate to remind counsel for the prosecution that if they stay within the limitations of time which we have indicated that we consider to be reasonable, this prosecution should be concluded within the next thirty minutes.

The Tribunal will now rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY MR. LINSKOFF:

Q In your direct examination yesterday you testified that you recalled that you were told that Capos had been beating inmates at Auschwitz and that you told Duerrfeld at that time that he must immediately take some steps in the matter. Now, do you recall whether the position which the Farben management took at that time was that inmates should no longer be beaten or merely that they should no longer be beaten at the construction site?

A I believe I said something slightly different. I myself did not remember this but it was recalled to my memory through conversations here that von Staden gave me this report that Capos were supposed to be beating inmates and Staden said to me: "Everything possible has been done. It has been prohibited. According to our principles in Farben, beating is quite out of the question and we protested immediately." I said: "Good. That's all right." So we took care of the treatment of our workers immediately. That's about what I remember, but I myself never saw any such things when I was there.

Q Mr. Buetafisch, I show you NI 11543 which is offered as Prosecution's Exhibit 1985, an Auschwitz weekly report - a portion of it - and I call your attention to the last two sentences particularly which state...

THE PRESIDENT: Now, Mr. Prosecutor, let's save the time by not stating what the last two sentences are. We have the document and the witness has it. You have called his attention to it, and that's enough.

BY MR. LINSKOFF:

Q And I ask you..... Well, let him read it first.

Do those two sentences refresh your recollection as to whether the Farben position was that inmates should not be beaten or just that the beatings should be transferred to the concentration camp rather than the I.G. construction site because of the demoralizing effect on the other workers?

THE PRESIDENT: Mr. Prosecutor, the two sentences you refer to speak for themselves. There's no use asking him whether the report says that or not. It speaks for itself.

MR. MINSKOFF: I didn't ask that question, if it please the Court. I asked him....

THE PRESIDENT: Well, there's nothing to refresh his recollection about what the document says, it speaks for itself.

MR. MINSKOFF: The document is to refresh his recollection as to what he thought at the time or the position he took at the time.

THE PRESIDENT: That's a different matter. If you are asking him what he knew about it, that's entirely proper.

BY MR. MINSKOFF:

A May I say that this is a weekly report which I personally did not read. It was drawn up by some subordinate office and was sent to the people working on these questions, but this may be the case that I remember vaguely where Staden told me that there had been beatings and we did everything possible to stop it, but I want to emphasize one thing particularly. It is said here that perhaps they could do it behind the wall. This is a personal note by the person who made up this report. I don't know who that was. These aren't proved reports, but just something somebody wrote down after a meeting, perhaps expressing his personal opinion. This is in no way my opinion or Farben's opinion, to beat people at all, in concentration camps or wherever else they may be. It was our opinion that that is something which we object to under all circumstances. And type of mistreatment.

Q Dr. Bustefisch, to the best of your recollection, can you state whether at Auschwitz, at I. G. Auschwitz, it was the SS which warned the Farben management to stop mistreating the inmates or was it the Farben management which requested the SS to stop mistreating inmates?

A I was always told - and in this case Staden told me - that we, that is, the construction management and the men responsible, had ordered

that all beating and all mistreatment of any type was strictly forbidden and, of course, the local people were prohibited to do so by the SS and Duerrfeld, and everybody else did whatever was possible in this respect.

Q I show you NII4512, Prosecution's Exhibit 1986, which is another Auschwitz weekly report and I call your attention particularly to the second paragraph and I ask you whether that refreshes your recollection as to whether the camp administration, the SS, is forbidding the mistreatment which might lead to the deterioration of the inmates?

A I can read only what it says here. This weekly report never came to my attention directly. I can only repeat, the plant management or the construction management must be able to give you better information about this. There was a definite prohibition and it was the attitude of Farben and all its employees to avoid all types of mistreatment, and orders were given that that was to be refrained from. I cannot give you any information about local conditions at the construction site. At any rate, I never in any form heard of such abuses with the exception of this one case, and if there had been such excesses then, of course, I would have talked to the plant management and we would have gotten together, and that is said by this note here too. I can add nothing to that.

Q Dr. Bueteffisch, do you recall the prosecution exhibits in connection with Fuerstengrube where the SS indicates that they gave repeated warnings to the Fuerstengrube management to stop beating the inmates? Was that called to your attention at the time or your deputies at Fuerstengrube?

A I believe I said that all internal communication and all internal matters within Fuerstengrube never came to my attention at all. Therefore, I cannot say whether what is implied or contended there is true in any respect. The plant leader or the mining leader concerned would have to tell you that. I don't know these things. I have no way of knowing them.

Q Dr. Bueteffisch, passing for a moment from the treatment of

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concentration camp inmates to the treatment of foreign workers, who were directly under the supervision of Farben, may I ask you who it was that assigned foreign workers at Auschwitz to Farben? Do you recall, was it the labor office that made the assignments of foreign workers to I. G. Farben at Auschwitz?

A. Mr. Minskoff, how the details were settled on the spot, that is purely a technical matter — who negotiated with whom, I don't know. I had nothing to do with that. The Labor Office was there, the camp commandant was there. There were prisoners of war in one agency and they had to negotiate with each other according to the regulations. I don't know exactly how that was done.

Q. Dr. Buettfisch, do you recall whether the Labor Office complained or issued directives to Farben not to beat the foreign workers?

A. I cannot say that either. Only the local people in charge can tell you what the individual orders and regulations were in the plant. I couldn't even tell you about these orders at Leuna. I wasn't able to take charge of these things in my own plant. There were various construction and assembly managements here and I don't know exactly how the various orders were issued. But it had been basically prohibited by Farben to beat people and there were orders to treat all workers decently. I was certain of that because I knew that we had decent people in the construction and factory management.

Q. Dr. Buettfisch, I call your attention to NI 14532 which the prosecution offers as its Exhibit 1987, another Auschwitz weekly report, and I direct your attention to that one sentence which states: "Can one therefore blame a foreman or shift supervisor for hitting out?" And also the following sentence which states that in spite of the salutary effect of the use of force the Labor Office directives have forbidden such use of force on foreign workers. Does that refresh your recollection as to whether the prohibition of using force on foreign workers came from the Labor Office rather than from Farben?

A. This again is a weekly report and again I did not read it because I couldn't read all the weekly reports. But it is my opinion that what has been put down here is someone's own personal impulsive opinion and is by no means the opinion of Farben or my opinion. I am sure that Duerrfeld did not say this. This type of action which is perhaps indicated here is quite out of the question for us, but I can't give you any details.

Fundamentally we had the prohibition against mistreating even unwilling workers. That was true of all of Pardon. I was far away from this site and I can't tell you any more about these weekly reports. These are simply weekly notes. One person expresses himself in this way and another in a different way.

THE PRESIDENT: It seems that the witness has made it clear that you are inquiring about matters that he has no personal knowledge or information concerning. He has said that repeatedly. There is nothing to be accomplished by having him repeat it again and again to the Tribunal. Now, if you wish to introduce documents as a part of your cross-examination I wish you would do it by introducing a group of them, if you have them, and conserve your own time here. You may need it.

MR. MINSKOFF: The witness has stated, if it please the Court, on direct examination, that he was informed by his deputies from Lounz who are at Auschwitz, who attended meetings the weekly meetings and construction conferences -- who received distribution of these reports, both from Fuerstengrube and Auschwitz -- they spoke to him and told him these things and I am now asking him whether these things which occurred at the time as contemporaneous documents refresh his recollection as to what occurred at that time.

THE PRESIDENT: Well, that doesn't prove that these informers gave him these documents or that he knows anything about the documents.

MR. SPEICHER: That is why I asked the question as to whether it refreshes his recollection.

THE PRESIDENT: That is entirely proper and he has answered it repeatedly and if you have any more documents, group them up and give them to him and let's get beyond this.

MR. MINSKOFF: On the distribution list, if it please the Court, the defendant here receives a copy of every single one of the reports that I referred to.

THE PRESIDENT: Well, why don't you show it?

MR. MINSKOFF: He has them before him. I showed him the document.

Dr. Buctofisch, looking at the first page of the weekly report, HI 14532,
do you notice the distribution list?

A. Yes.

MR. KINSKOFF:

Q. Now, who is Dr. Staden?

A. Dr. von Staden was the head of planning matters for Auschwitz in
-tall, when I had appointed. He was also a plant leader at Louna.

Q. That is right. One of your employees, is that right?

A. Yes.

Q. Who was Dr. Braus?

A. Dr. Braus was an employee. At the time he was one of the planning
officials for Auschwitz.

Q. Also one of your employees, is that right?

A. Yes.

Q. Who was Dr. Hoopke?

A. Also.

Q. Dr. Lea -- Oberingandour Lea.

A. Also.

Q. And Mueller?

A. Also.

Q. And the head of the Kersburg list is yourself, is that right?

A. Yes.

Q. Now these said persons have received all of the weekly reports,
isn't that true? All of the Auschwitz weekly reports?

A. May I say one thing? I believe I have to say something. These
weekly reports, one copy, went to Buctofisch, Staden, and Braus. And
these weekly reports as such contained personal notes by a man who is
expressing his own opinion. As I said I did not read these weekly reports.
I would have had a lot to read. And the men who are listed there for
Louna or Ludwigshafen merely told us if there was something important
in it. One can imagine such an excess as reported here. That doesn't
mean that that was the policy. That is what somebody wrote down, but

that is not an approved report. I can well imagine that Dr. Staden or Dr. Braus or Mr. Hoepke didn't read this sentence to me. Those men just reported to me, "Nothing happened." I can't have read all the weekly reports. It would have been quite impossible. The overall condition was the important thing for us. I have already said that occasionally on construction sites there can be excesses that happen all the time. That happened at Lams and that happened everywhere else and that wasn't reported to us.

THE PRESIDENT: Now, Mr. Prosecutor, the witness has indicated pretty generally what he knows about the so-called weekly reports. The suggestion that I am taking the liberty of offering is that in the interests of time if you have others, group them together, have them marked, and introduce them. They speak for themselves, and there is no use going over a ritual of having the witness repeat again and again what he has now said about three or four different times about this matter. I am not objecting to you introducing the reports, but the method by which you doing it is time consuming.

MR. LINSOFF: NI 14556, an Auschwitz weekly report, is offered as Prosecution's Exhibit 1980; NI 14555 is offered as Prosecution's Exhibit 1989; NI 14549 is offered as Prosecution's Exhibit 1990; NI 14551 is offered as Prosecution's Exhibit 1991. Dr. Baotefisch, I show you the three exhibits, 1989, 1990, and 1991, and ask you whether they refresh your recollection as to whether it was I.G. Farben which took the initiative to have foreign workers who did not work hard enough thrown into the concentration camp. You might look particularly at 1991 under the entry of 16 July, the second paragraph.

A. Which document is that?

Q. 1991. That is weekly report 60/61 and it is an entry under July 16, the second paragraph. It begins "We do not intend to put up any longer with the slackness of the Belgians. We will not hesitate to commit the Belgians who will not work to the concentration camp." Does that refresh your recollection, Dr. Baotefisch, as to whether it was

Farben that took the initiative in having foreign workers who didn't work hard enough thrown into the concentration camp?

A. Well, it can't refresh my memory, because those reports here - - -

Q. If it please the Court, he said it doesn't refresh his recollection. I think that is an answer. He can save time.

A. But I should like --

THE PRESIDENT: Mr. Defendant, the prosecutor is entitled to limit his examination to what he wants to know. If he has your answer that is sufficient. I may say to you that your own counsel will have an opportunity on redirect examination, to afford you the privilege of saying what is with reference to those documents.

BY MR. LINSKOFF:

Q. Doctor, Bueckfisch, you testified on direct examination that you took some interest in the welfare of workers at Leuna. May I ask you whether, on your visits to I.G. Auschwitz, you took any interest in finding out the conditions under which the forced foreign workers were living at I.G. Auschwitz?

A. As far as I had time, I of course had reports made by Mr. Duerrfeld and Dr. Brous, and I inquired. We talked about food. Duerrfeld showed me the charts. I was in one or two barracks. I didn't take a direct interest in it just as in Louna, but in general I did inquire how the workers were taken care of. That was always my endeavor.

Q. Did you know that in 1942 in the foreign workers barracks they had as many as 3,000 living in a barracks with about three huts for washing facilities, and about 2,500 more with no washing facilities at all? Did you know that?

A. No. That was not reported to me and I can't imagine that.

Q. I show you NI-14553 which is offered as Prosecution's Exhibit 1992. I call your particular attention to the second paragraph where it is mentioned that in Camp III some seven hundred Polish forced laborers, 724 Croats and 1,040 Russian women — "We have no hut with washing facilities at all." Does that refresh your recollection as to living conditions in Auschwitz at that time, of the foreign workers?

A. I can not give you any detailed information about that. I know only that the plant management always was trying to obtain those washing facilities and other things too.

Q. Dr. Bostofisch, about how many inmates were working at I.G. Auschwitz around October '42? Approximately?

A. I cannot tell you that from memory.

Q. In the normal course of work at the I.G. construction site, approximately how many deaths per day did you figure would occur among the inmates assigned to I.G. Auschwitz?

THE PRESIDENT: Mr. Prosecutor, let's limit the inquiry to what the facts were rather than what he calculated might occur.

MR. HINSKOFF: I am asking the witness to answer, if he can, what the calculation at that time was as to the number of deaths they ex-

pected per day and the measures they may have taken in connection therewith.

THE PRESIDENT: Do you know anything about the number of deaths per day that occurred there?

A. I cannot tell you that. I have no figures available.

BY MR. LINSCHOFF:

Q. Dr. Buetefisch, I show you HI-14511s which I offer as Prosecution's Exhibit 1993. I call your particular attention to the portion which states that a chamber for thirty or forty corpses was constructed for the accommodation of inmates at Monowitz. I ask you can you explain why a mortuary for thirty or forty corpses was required at Monowitz for the I.G. inmates?

A. After seeing this here, I can only say that in every big camp, every small city, there is need for a mortuary for purely sanitary purposes. Its size is up to the administration, but I would never conclude from this that this had anything to do with the treatment or the number of deaths. I read that here for the first time but I don't think that is anything special -- that it indicates anything.

Q. In 1942 how many inmates did you expect you would have to have accommodated in Monowitz? What was the highest number you expected to have?

A. Mr. Linschoff, I can not tell you that from memory. I don't have the figures here. I don't remember the figures of workers in all these plants. I couldn't. I saw five or six construction sites. I would confuse the figures.

Q. Dr. Buetefisch, how much money was invested on the Leuna part of Auschwitz?

A. About 160,000,000 in the course of four years -- approximately.

Q. And the Leuna part was your direct responsibility, isn't that so?

A. The planning, strictly speaking, was under my responsibility.

Q. Dr. Buetefisch, how quickly do you read? About twenty or thirty pages an hour?

A. Well, I don't want to say. My eyes — I have trouble with my eyes. I have already said that. How many pages I can read, depends on the contents. If it's a difficult technical thing I need a lot of time.

Q. Did you know that the weekly reports, including the Baubesprechungen, the construction conferences, altogether would not have amounted to more than forty pages a month reading?

A. As technical head I had to select those things to read which were of vital importance for my technical management. That amounted to thousands of pages of technical and scientific things if I was to manage. What I wanted to read and what I had to read had to be decided by the organization. I turned that decision over to the people who had to report things to me. Otherwise you can't manage a concern if you read all the weekly and construction reports.

MR. KUSKOFF: Thank you very much. No further questions.

THE PRESIDENT: Anything further from the prosecution? Any re-direct examination?

REDIRECT EXAMINATION

BY DR. FLASCHNER:

Q. Dr. Buetefisch, let's begin with the last point. You were shown a number of weekly construction reports, including one telling about the lack of washing facilities. You were asked whether you noticed this lack when you visited there. You answered that you had no way of knowing such details. My question is have you read this report now — this excerpt?

A. As far as I have been able to glance at it just now. I am not sure which one you are referring to. These are all details described there — minor things.

Q. Does it indicate whether there were facilities for the personal washing of the workers or for the laundry. Can you tell that?

A. May I ask you which one you are referring to? Which Exhibit number?

Q. Just a moment. That is 14553, Exhibit 1992.

A. Well, that doesn't show that and I can say nothing about it, about what the washing facilities were. Perhaps the construction manager can tell you that, but I can't. I know nothing more about it. It might very well have been quite general facilities for laundry.

Q. I don't want to tire you with the details but it has been pointed out here that there was a mortuary requested for Camp IV. May I draw your attention to the fact that it says, the concentration camp demands, in addition, and so on and so forth, and then comes the mortuary. If I read this correctly, this was not a demand made by Furber or anything like that. It was made by the camp administration -- the Auschwitz camp.

4. In reading it here I assume that this was the normal demand in building a camp. If a camp is built with so and so many barracks it requires such and such facilities. That is the way I understand it. But I cannot tell you any details.

Q. Dr. Bacterfisch, as far as I could see these excerpts which have been offered are all signed by a Dr. Faust. Will you tell us very briefly who Dr. Faust was?

A. Dr. Faust was the construction manager. I believe he came from the construction department at Luedwigshafen and Dyhernfurt. I did not know him very well, I know only that he was a very impulsive man, and used to speak very coarsely. That is what one noticed about Faust. A very efficient construction engineer. He had been responsible for many big construction projects.

Q. Do I understand correctly that you mean to say that in your opinion what Faust says is not to be taken quite literally?

A. Certainly not. These are the weekly reports. If I may apply it to the technical field, you can compare it to an analysis commission where someone may say that is all nonsense. It may say that in the report but that is not our opinion. And so Mr. Faust expressed himself in his own way about these construction conferences. That is my opinion.

Q.- If I understood you correctly, Dr. Buetevisch, you said for the men, Buetevisch, Staden and Braus there was one copy of these reports. Is that right?

A.- Yes, I believe that is right.

Q.- Very well. Now, first of all of how many construction sites did you receive reports in the Leuven office every week?

A.- There weren't only construction reports but reports in general. I would say that there were thousands of pages, construction reports, technical reports, scientific reports, research reports, management reports, a whole pile of them every week, and this was taken care of by subordinates and it doesn't mean because my name is on the distribution list, that I actually read these reports. I would have been drowned in details and I would have had to neglect my more important duties and I wouldn't have been the technical manager.

Q.- Dr. Buetevisch, another subject: you were asked whether you knew whether Farben took the initiative for having foreign workers, shirkers and so forth sent to the concentration camp. Did you give any instructions -- do you recall ever having given instructions which would have obliged the subordinates to take such steps?

A.- I never issued such instructions.

Q.- Very well. The document which was put to you, speaks of a firm with a foreign name.

A.- Sotrape.

Q.- Sotrape. Was that a firm which, in your opinion, belonged to Farben in any way?

A.- I don't know any firm Sotrape. There were hundreds of construction firms and I didn't know any of them. It speaks of shirking of Belgium. These are really details which perhaps happened in some construction firm. What the individual firm did about that I can't tell you. The firm would have to give you that information, whether it was a construction firm or an as-

sembly firm.

Q.- Will you look at Document 1456, the first paragraph of the excerpt? It begins "On this occasion the mistreatment of inmates was discussed repeatedly." Now, I ask you: does this formulation show quite clearly that Farben management disapproved of such mistreatment which occurred in an outside firm?

A.- As I can see here, these are details of the construction site where Farben was speaking about a firm and it is made clear that the management tried to do something about any excesses that may have occurred and that was the important thing in the last analysis. That was the duty of the management.

Q.- You have been shown Prosecution exhibits 1976, 1979 and 1980 which deal with a firm called Sluiskil or something like that. Now, one basic question: did you have any knowledge of these incidents before you read these documents?

A.- I never received those documents. I never read them. I see from the whole thing and I remember that what I said before, as I recall, is in accordance with the fact. It was ordered and it says that in the first letter, that there was an official request that machinery be taken from Sluiskil which had been partly destroyed, I believe by air raids, and this machinery was divided by German plants and Linz was to get some of them, too; and, as I recall, Linz refused and didn't want this machinery. This wasn't suitable but it had to accept them because there wasn't any other machinery and Sluiskil couldn't work anyhow.

It said if Linz takes them — and I believe I was consulted at this point then as chairman of the Aufsichtsrat — this must not be more expensive for Linz than if it had gone on building in a normal way. They were apparatus that could be used but not very efficiently and there probably I was asked by the Vorstand: "Dr. Buetafisch, what is your opinion?" and I said: "Well, I can only tell you this machinery must not be more expensive

then if you had obtained the proper ones"; but it also shows that this machinery was to be paid for. I believe Sluiskil was a plant that belonged to Italians.

Q.- I was about to ask you: do you know whether there were any negotiations about this with the owners?

A.- I cannot tell you that exactly but I believe that Mr. Unschein did that; he was in charge of these nitrogen interests in behalf of the Reich office. I know only one thing, that the authorities — that was Mr. Dolegari of Montecatini — was watching every penny and was certainly watching his interests. There was an Italian majority ownership of this firm. It is possible that he himself approved but these are details that I don't remember. I would have to study the document first.

Q.- Dr. Buetefisch, if I remember correctly, in answer to my question in direct examination, you said that before you accepted the invitation to the Circle of Friends you did not consult any of your colleagues or superiors but that afterwards, of course, you informed them. Did I understand you correctly?

A.- Not all my colleagues; Geheimrat Scheide — I remember that. I have already said I felt these were industrial people and I mentioned it for disciplinary reasons and I believe I said that I told Schneider about it and I thought I told Frauch. I believe I said something to Oster about it, too, a friend from Loun. He was the senior plant leader of Loun. I am sure I talked to him about it, but not otherwise.

Q.- Now, to come back to Auschwitz: you have been asked at some length about the preliminary conferences and I just want to ask you the question quite generally: did you do anything on your own initiative to see to it that Goering's general orders be issued to build such and such plants at Auschwitz?

A.- I had nothing to do with Goering's office.

Q.- That is sufficient. Thank you. Dr. Buetefisch, you were questioned

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yesterday about the Lenz memorandum. I don't know whether you said that this so-called memorandum was prepared for printing or not. In order to refresh your memory, I should like to put to you document, Buetsfisch No. 3.

DR. FLAEBCHNER: Mr. President, that is not in the document books because I did not know whether we would come back to that. I offer it now for identification as Exhibit No. 170. It is an affidavit of a Dr. Koppe and I ask you whether this refreshes your memory in this incident.

THE PRESIDENT: Is that a document in one of your books?

DR. FLAEBCHNER: No, Mr. President, I could not offer that because I did not know whether this point would come up for discussion.

THE PRESIDENT: Then you will supply it for the record?

DR. FLAEBCHNER: Yes.

A Well, I believe, I went into the subject perhaps too much yesterday. This is a draft which is not published. It was considered a draft and it is a rather free statement of Dr. Grilling. That is the way I recall it. There were a few copies which were prepared as a present for the Directorate.

JUDGE MORRIS: Counsel, I am somewhat at a loss to understand as to the document about which you are basically inquiring. You speak of a Leuna memorandum. Is that the book that was drafted but which Dr. Buefisch testified was never published yesterday? Is that what you are talking about?

DR. FLAEBCHNER: That is quite right, Judge Morris.

It was to be published on the occasion of a celebration of the fifty years' anniversary of the Leuna plant, but it was rejected.

JUDGE MORRIS: Yes. We have had full testimony on that yesterday. I think you are just repeating and not going into anything that was gone into to any extent on cross examination. Dr. Buefisch testified about that yesterday on his direct examination. We don't need repetition here now.

DR. FLAEBCHNER: In the direct examination, Judge Morris, that was not mentioned. The Prosecution brought it up for the first time and I am now answering the contention of the Prosecution.

JUDGE MORRIS: I guess you are right. I will withdraw my remarks. I was thinking you went into it on direct examination.

DR. FLAEBCHNER: Then this point is also settled. I have no further questions.

BY MR. ASCHENBAUER (Counsel for defendant Gattineau):

Q One question: Mr. Sprecher asked you yesterday about the gasoline contract with the Reich Ministry of Economics and particularly about its effects. I ask you in this connection: was Mr. Gattineau at any time involved in the gasoline negotiation with the Reich Ministry of Economics?

A You mean the contract negotiations?

Q Yes.

A I am not aware of that Mr. Gattineau had nothing to do with that.

Q Thank you; no further questions.

THE PRESIDENT: Anything further from any of counsel for the defense? Anything from the Prosecution?

MR. SPEECHER: Just one question from me and one from Mr. Minskoff.

RECROSS EXAMINATION

BY MR. SPEECHER:

Q Dr. Buetefisch, the little booklet on "Twenty-Five Years of the Leuna Plant" which you had in your hands yesterday—I am not talking about the exhibit which is a reproduction, but the original which you had in your own hands—was a bound booklet, was it not?

A Yes, it had been bound in our printing shop at the plant and it was bound and printed there. It was nothing that was made public. We had that in the printing shop.

MR. SPEECHER: Now, Mr. Minskoff.

BY MR. MINSKOFF:

Q Dr. Buetefisch, the "Faust" who wrote the weekly reports— isn't it true that, apart from yourself and the defendants Ambros and Durrfeld, he was the highest I.G. Farben official on the construction site Auschwitz?

A Yes, for a time he was in charge of construction at Auschwitz.

MR. SPEECHER: Nothing further.

THE PRESIDENT: Anything further, counsel for the defense?

DR. HOFFMANN(Counsel for defendant Ambros): Mr. President, only by way of precaution I should like to reserve the right to take up the weekly reports which have now been introduced by the Prosecution and perhaps to recall the defendant Ambros to the stand.

MR. SPEECHER: Mr. President --

THE PRESIDENT: Just one second.

MR. SPEECHER: Certainly.

THE PRESIDENT: Now, Mr. Prosecutor, you may say what you had to say?

MR. SPEECHER: Yes. We take no position on the matter but I thought you would be interested in one fact. These things are the files which went from Griseheim to Ludwigshafen where they were under the jurisdiction of Dr. Santo and they were in Ludwigshafen for some time until they were sent to Nurnberg. I think that defense counsel have generally been apprised of these documents for a very long time. We had not previously been advised of them.

THE PRESIDENT: Did you have something more to say, Doctor?

DR. HOFFMANN: Yes, but, first of all, I unfortunately was not in possession of these documents. I did not go to Ludwigshafen and I did not see them. Secondly, the Prosecution, when I asked, expressly said that they had finished the cross examination against Ambros. Now, the last question of Mr. Minskoff was important, the question implying that Ambros was to be charged with these weekly reports, too. If the Prosecution takes such a stand, then they have not concluded the cross examination and under these circumstances I have to reserve the right to recall the defendant.

THE PRESIDENT: I think I may safely say on behalf of the Tribunal that it would only be under the most unusual circumstances that we would consider it good practice to divide up the cross examination of a defendant into a present and subsequent period of time. Ordinarily, counsel will be expected to conclude their examination of a defendant when he is on the stand and that applies alike to Prosecution and defense.

Dr. Hoffman has stated his request and the Prosecution has said what it has to say. Both of those statements are in the record. I hardly feel

that it is necessary for the Tribunal to say anything at this time. We will deal with that matter if and when it arises.

MR. MINSKOFF: May I correct the record somewhat? The documents referred to are not those taken from Griesheim to Ludwigshafen. They were originally at Ludwigshafen in the files of Mr. Santo who worked under Dr. Ambros. These files were given by Santo to Dr. Alt and Dr. Alt has had those in his possession all the time. Those are the files we are talking about.

THE PRESIDENT: Just one further matter of getting the facts before the Tribunal: are these among the documents that were deposited with the Secretary-General's office?

MR. MINSKOFF: These are the very documents.

THE PRESIDENT: Very well. What is your further pleasure, Dr. Flaechner?

DR. FLAENCHNER: Mr. President, I was about to continue with my case with your approval.

THE PRESIDENT: Very well. Now, just a moment; is counsel for the Prosecution and the defense presently through with this defendant? Then, Doctor, you are excused from the witness stand.

What next, Dr. Flaechner?

DR. FLAENCHNER: With the approval of the Tribunal, I should like to call my witness, Professor Dr. Gerlach.

THE PRESIDENT: Very well. The marshal will bring in the witness.

(Walter Gerlach, a witness, took the stand and testified as follows:)

BY THE PRESIDENT:

Q Mr. Witness, will you please remain standing for the purpose of being sworn, raise your right hand, say "I", and state your name for the record?

A I, Walter Gerlach.

Q Now repeat after me the oath:

Swear by God, the Almighty and Omniscient, that I will speak the pure truth and that I will withhold and add nothing.

(The witness repeated the oath).

You may be seated.

THE PRESIDENT: The witness is with you, Dr. Flaechner.

DIRECT EXAMINATION

BY DR. FLAENCHNER:

Q Professor, will you give for the record your profession?

A I am a university professor at Munich.

Q Place and date of birth?

A Biebrich on the Rhine, 1st of August 1889.

Q Where do you live now?

A In Bonn.

Q What is your subject?

A I am a professor of experimental physics.

Q How long have you known Dr. Baetefisch?

A Since about 1916 when we met in a military unit near Leon.

Q Since the First War have you been in constant contact with Dr. Baetefisch?

A Yes, we have remained in constant contact and have been friends.

Q Since the first war you have been in constant contact with Dr. Buete-fisch?

A Yes, we have remained in constant contact and have been friends.

Q Did you know that B uete-fisch studied under the physio-chemist Dr. Bodenstein?

A Yes, I was then working on the principles of "quanten-Theory", and Buete-fisch was affected by it directly.

Q Professor, do you know how Buete-fisch came into the industry, and specifically into Farben?

A Yes, I recall that Bodenstein wanted to keep him as an assistant, but for economic reasons Buete-fisch wanted to go into industry, and Bodenstein recommended that he go to Farben, since he had very good contacts there, and could give him good advice.

Q Did Buete-fisch remain interested in science, and active therein?

A Yes, as long as I have known him, and in two respects I might say, for --

Q Please speak a little more slowly so that the interpreter can keep up with you, and please leave a pause between questions and answers, and I shall do the same.

A Very well.

Q The question was, do you know whether Dr. Buete-fisch continued to be active in science?

A Yes, I know that very well, in two respects. For one thing, after he attained a leading position in the Leuna Plant, he introduced scientific lectures for the employees, to inform them about new progress of science, and he also was always doing scientific work. Aside from the fact that he held lectures, at Essen, he also lectured at congresses.

I also remember that perhaps in 1934, the University at Munich invited him to hold a public lecture at the University.

Q If I may sum this up briefly, you had constant contact with my client in connection with his scientific work. Now did you have a personal contact with him?

A Yes. This was a case of not too common nature, of contact of a scientific and friendly nature extending over many years.

Q Did you visit Bueterfisch at Leuna?

A Yes, very often.

Q Do you know his family?

A Yes, of course.

Q Did Bueterfisch discuss business affairs frequently with you?

A Yes, of course.

Q What do you know about this?

A Not much. I myself am a scientist and do not understand anything about industry. The main questions that we discussed were scientific questions, questions of development.

Q Did Bueterfisch frequently talk to you about his professional interest, that is his promotion of synthesis from coal?

A Yes, in the sense I have just explained, the scientific problems were discussed.

Q From your personal acquaintance with Dr. Bueterfisch, I ask you, do you know whether Bueterfisch before 1933, had any political activities?

A I believe not. We never discussed it.

Q Do you happen to know whether Bueterfisch saw Hitler in 1932 to discuss gasoline synthesis with him?

A Yes, I remember this incident rather well.

Q Please describe it to the Tribunal.

A It was about the end of 1932 when we were all wondering what political developments would be like. We were afraid of a too authoritative government; we were afraid it might restrict scientific freedom. When I discussed this matter with Bueterfisch at one time, he told me that very recently he had visited Hitler, on behalf of Bosch. His assignment was to stop press propaganda against Farben. He told me something like this. He went there and he started to speak, whereupon Hitler immediately asked him a few sensible and clear questions. Before he was able to answer properly, Hitler began to give a big speech, so that at the end he was just able to present his own request, and then was dismissed.

I asked Bueterfisch at the time "What kind of an impression do you get of the man?" and I remember his answer. He said, "I would have liked to hire him as an advertising agent."

Q Professor, after 1933, you saw Bueterfisch frequently; is that right?

A Yes.

Q Can you tell the Tribunal anything about Mr. Bueterfisch's political attitude, especially what Bueterfisch felt about National Socialism as a whole?

A We discussed that frequently. He was opposed to all compulsion; all outside interference.

Q Your acquaintanceship was not limited to Dr. Bueterfisch; do I understand you correctly? Did you know other men who had important positions in Farben?

A I believe that I knew just about all of these men here. Some of them I know very well.

Q What was the attitude of these men in political respects toward National Socialism?

A At the Universities we had very difficult conditions, and so it came about that one discussed ones worries with leading industrialists. I know that Bosch, Bueterfisch and others were definitely opposed to all of this. I remember a conversation with Mr. Hoerlein when Mr. Hoerlein said, "These are ephemeral things about which we should not get excited; one has to try everything to avoid disaster". Actually, the way I know helped in many, many cases.

Q Was that attitude held by the men here whom you know, and especially Dr. Bueterfisch, - the attitude they had when they approached the problem of joining the Party or not?

A I believe these things really were not discussed; perhaps they were too uninteresting.

Q Professor, to speak concretely, what did Bueterfisch feel about the question of the Party?

A I do not believe that he was a member, - at least not to my knowledge. Such things were of no interest to us. I know that in many cases he helped people who were persecuted.

Q I shall come to that. Tell me, Professor, at that time we were all interested in the question of the Party, and its attitude for example in anti-Semitism. What was Dr. Bueterfisch's attitude in the Jewish question?

A I am sure he was against it. He helped in many difficult cases.

Q Can you give me a few examples?

A I had a few problem children myself, and he told me that he had had some such cases too, but I cannot remember any names. But of my problem children I can remember an assistant, Dr. Buchner, who was employed by Farben at his

instigation. He is still there today.

Q Did Dr. Bustefisch maintain this attitude constantly?

A Yes, to the end. I am certain of that.

Q I have already asked you, Professor, whether you were familiar with his family; were you of the impression that Bustefisch's family were Pro-National Socialists?

A No.

Q I ask only because a document has been offered here indicating that the daughters of my client had leading positions in the BDM. What do you know about that. Can you tell us anything about that?

A I can recall a scene which I observed. I was at Bustefisch's house, and one or both of the daughters came in in these black skirts and white blouses.

Q That was the BDM uniform, I suppose?

A Yes. I said, "well, what do you look like?" She said, - I believe it was Jutta, - she said, "we are in the BDM now; otherwise we cannot take the tests here." Then I asked her, "Do you have to march or something like that" and I can remember she said, "No, we don't have to do any service. I am giving handiwork instructions." The other daughter had a musical group or something like that.

From my reaction at the time when I saw the children in this uniform, one can see my opinion about the family's attitude.

Q You did not have the opinion that those were dyed-in-the-wool Nazis?

A No.

Q Now, Professor, in addition to your teaching position, did you ever have any state position or state assignment, or anything like that?

A No, I never had any state office. I once had an assignment in the German Research Society, and later called Reich Research Council. I was in charge of all Physics.

Q And what does that mean; what kind of work did you do?

A The work was essentially passing judgment on research assignments, the allocation of money for this purpose, and an attempt to avoid duplication of work, and to get people working in the same field together. It was a purely scientific thing, quite non-political.

THE PRESIDENT: I think we had better recess at this time until one-thirty.

(Tribunal in recess until 1330 hours.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: May I interrupt for a moment to announce a ruling? The Tribunal has had under advisement the motion of Counsel for the Defense to strike from the evidence, the Prosecution's Exhibit 1958, which was offered in lieu of Exhibit 1943, which the Prosecution withdrew from evidence. After considering this matter, and without expressing any opinion whatever as to the materiality or probative value of the exhibit 1958, the Tribunal is of the opinion that the motion to strike it from the evidence should be overruled.

The relationship between DAF and Farben is one of the issues here, and reference to some of the evidence offered by the Prosecution and by the Defense, particularly with reference to affidavits that are in evidence on behalf of the Defense, let us to the conclusion that this Exhibit 1958 is a proper part of the cross-examination of the Prosecution.

The motion is now overruled.

DR. von METZLER: Mr. President, may I suggest then that the decisions which have been withdrawn by the Prosecution are offered in evidence, because in my opinion, the whole situation can be understood only if the Court takes notice of these decisions. I may point out that in some parts of these applications which have been submitted, reference is made to these decisions, and therefore, I think it is suitable if these decisions are also offered in evidence.

MR. SPRECHER: Mr. President, perhaps Dr. von Metzler and I can agree on the following: Since they are before the Tribunal as a rejected exhibit, and are in a form which the Tribunal can read, you can take judicial notice of those decisions in so far as it may be necessary.

THE PRESIDENT: In other words, as I understand you, Dr. von Metzler, you should like to have considered with 1958, those parts of the preceding exhibit, 1943, that were excluded on the Prosecution's second offer?

DR. von METZLER: Yes, exactly, Mr. President.

THE PRESIDENT: The Tribunal sees no objection to that, and will so

consider the matter. In other words, we shall consider together the entire offer made in the Prosecution's Exhibit 1943 in connection with 1958.

DR. von METZLER: Thank you, Mr. President.

DR. FLASCHNER: May I continue, Mr. President?

DETECTIVE INVESTIGATION (continued)

PROF. WALTER GERLACH

BY DR. FLASCHNER:

Q. Professor, before the recess, you stated that you personally had close contact with Dr. Bueteufisch. You gave us some reports of his experiences, that he had made to you shortly after his visit with Hitler. I want to know from you now, Professor, did Dr. Bueteufisch ever talk to you about whether he had any fears that the National Socialist policy, and particularly the foreign policy, might lead to war like involvement, and if you answer that question in the affirmative, then explain to us how he judged these matters?

A. I remember that during the critical months, I was with Bueteufisch on two occasions.....

Q. One moment, Professor. What do you mean by those "critical months"?

A. The winter of 1938 to '39. The first time was in September of 1938, during the Chamberlain Conference in Munich. As we all were convinced, so was Bueteufisch also at that time, that there was no danger of war.

The second time was in February at least I believe January or February, 1939. At that occasion I asked him, "Do you believe that all of these many preparations that one can see everywhere are intended for war, or do you think that they are only bluff, more or less". I remember that it was Bueteufisch's opinion that it was out of the question that Germany was steering toward war.

You must understand that this was a friendly conversation, and I remember the expression that he used. He said, "Both of us know what war

means because we experienced it once before" and then he added, "Do you believe that those people can make a war".

Q. Professor Gerlach, have you asked him about the motives which caused him to accept an honorary position with the SS? Did you know that Buetevisch held such an honorary position with the SS?

A. No, I heard this for the first time during the trial here, and I know definitely that he never said anything about it to me.

Q. How do you explain the fact that Buetevisch did not inform you about this affair?

A. That is very difficult to say, but I could imagine the following. The people in responsible places needs some sort of connection in order to assert their position in important cases, and to prevent disaster. If one had such a connection one did not speak about it.

Q. Professor do you know any leading industrialists who were not members of the Party and who did not have such relations or connections?

A. I know that the Director General of Siemens-Schuckert, Mr. Bingel, was not in the Party.

Q. It is very interesting that you mention that name, Bingel. Would you tell the Tribunal who Mr. Bingel was?

A. He was the leading man of the Siemens-Schuckert enterprise. This is a part of the large Siemens Halske Concern, and he was the leading man of the machine department the electro-technical department.

Q. Did Bingel waive any such connections with party agencies or did he have some other way in which he kept contact with those personalities who, after all, had something to say under the National Socialist Regime?

A. Bingel told me that he was looking for a connection to the so-called "Circle of Friends" because he said that without any such connection it was impossible to work in a leading position; one must always take into account that the National Socialist Movement was a mass movement, and the Directors of large industrial enterprises had to work with the masses of the people, and they could only meet those masses if they had some contact with political leadership. Either if they had not had this

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contact they would not have been esteemed, or they would not have known what was going on on the other side.

I know from my own colleagues that some of them finally decided very reluctantly to enter the Party because they saw that they were only able to assert their positions under that condition. If one is asked such questions, one must think back, put oneself back into the frame of mind that prevailed at the time.

Q Professor, were you a member of the Party?

A No.

Q Did you have any difficulties that any Party agencies made for you in your professional activity as a university professor?

A Yes, personal and factual difficulties.

Q In order to overcome these difficulties did you use the assistance of your friends?

A Yes; repeatedly. I turned above all to Bosch, Buotefish and Heurlen. In particular in 1934, in Munich, I remember a meeting where Bosch and Buotefish participated. At the time, since I was suspended from office, I was offered the job of installing a research laboratory; that affair calmed down again. In 1935 it became very serious. At that time I turned to Buotefish. Buotefish told me at the time, in autumn of 1935, that he needed forensic material, that he would then try to do something. I then gave him that evidence, and after some time he told me, "Has that matter been settled?" and I was able to tell him that I didn't hear any more about it. He didn't ask how this came about in such cases.

Q Was this affair a threat to your existence as a university professor?

A Yes, my dismissal was demanded, by the President of the Reichsanstalt, Johannes Stark.

Q For what reasons? Maybe it is important to know for the Tribunal.

A Political unreliability and democratic activity before 1933, etc.

Q After you turned to Dr. Buotefish and gave him the necessary documents, was this trouble stopped against you?

A I heard no more about it.

Q Did Buotefish tell you what he had done for you?

A No, and I didn't ask him what he had done.

Q If, in the course of the trial, you heard that Buotefish had been given an honorary rank in the SS, do you then believe that you can

assume that that was the way in which he had helped you by way of the relations that he had --

MR. SPENCER: Objection,

THE PRESIDENT: That objection must be sustained. It would be purely a matter of surmise.

BY DR. HARTSHORN:

Q Prof. Garlich, one more thing. In the course of your friendly relations with Dr. Bueckisch he probably also gave you an insight of his field of work in his conversations. Can you tell the Tribunal what you knew about his activity in Loun and in other places?

A I cannot say that because, of course, I didn't concern myself with the industrial angle. I didn't understand anything about it. But I knew from him that he was working in many different places. When I made an appointment with him there were half a dozen people waiting for him. He was hard to be reached and he had to be away on trips on many occasions.

Q Can I understand your answer to have expressed that he was overburdened with work?

A Yes; I always admired him that he always was able to promote the scientific bases of his work and that he always interested himself in the modern development of physico-chemistry.

Q Prof. Garlich, you mentioned a conversation that you had with Dr. Bueckisch and Prof. Bosch. Was Bosch closely acquainted with you?

A Yes.

Q What was his attitude towards the Jewish problem?

A That was well known in Germany. He rejected and combatted this part of the program quite frankly and severely and in his capacity as the president of the Kaiser Wilhelm Society he protected Jewish members. Until 1939 he was able to maintain Prof. Lieser Weizner in her position.

Q Did any of your acquaintances on the day here differ principally from Prof. Bosch's attitude?

A I didn't make anybody's acquaintance.

Q To conclusion, one question. Did you consider Dr. Buetefish as a National Socialist during the National Socialist regime?

A We could not do that.

Q Would you consider the other people that you knew from the Vorstand, including Buetefish, as people who were sympathetic toward National Socialist, who promoted and who supported it?

A When I came to together with these people our conversations always were led by the motive of concern for the future existence. That was the guiding spirit of our conversations.

DR. FLACHSNER: I have no further questions.

THE PRESIDENT: Dr. Flachsnier, I think it appropriate to remind you that you have just very little more than two hours of time left in your schedule. You have quite a number of documents and, as I understand, one more witness. If, perchance, you find yourself in difficulty you of course will want to present your documents to the Tribunal. I suggest to you that you might transfer the examination of your other witness to the commissioner and conserve your time if you have any problem of that kind. You may be giving that thought while your associates interrogate the witness and while the Prosecution cross-examines.

DR. FLACHSNER: I am very grateful to you for this suggestion, Mr. President.

THE PRESIDENT: Any other members of the staff of Defense counsel wish to interrogate this witness before the Prosecution cross-examines? Then the Prosecution may cross-examine the witness.

CROSS EXAMINATION

PROF. WALTER GERMANN, Resumed

BY MR. SMITH: CHAIR:

Q Professor, do you remember clearly that Dr. Buetefish informed you that the Nazi papers in 1932 had criticized Leuna and the synthetic fuel program?

A Yes, but I also know that from the newspapers themselves.

Q.- There is no doubt but what the newspapers, or at least a large number of them, were criticizing the program. The Prosecution has looked through the "Voelkischer Beobachter" for the entire year 1932, at some labor, to try to find out if there were any criticisms in the "Voelkischer Beobachter". Now I ask you if you know for certain that there were any criticisms in the "Voelkischer Beobachter" or any other Nazi paper.

A.- I never read the "Voelkischer Beobachter", but we always discussed this question and we heard that there was sharp propaganda incitement against industry being made in the press.

Q.- Now, did you talk to Dr. Bueckelisch about the occupation of Austria?

A.- I believe not; at least, I can't remember any details.

Q.- Do you remember whether or not he mentioned that as being a question of bluff?

A.- Well, I can't say any more whether that was meant especially for the occupation of Austria. But all of those questions that went through our minds at the time, all these speeches, were considered a matter of bluff by us.

Q.- Did you still consider it a matter of bluff yourself after the invasion of all of Czechoslovakia in March 1939?

A.- I said before that I myself had misgivings, and that I talked about it for that reason with Bueckelisch at one time. In the summer of 1939, I had misgivings. I thought that we were drifting towards war. A colleague of mine in Basel, Prof. Iselin, always told me that one did not have to worry about that; it would not come to war. He said that Germany couldn't do it and that Germany wouldn't do it.

Q.- Did you ever heard Dr. Bueckelisch make any statement that he was against cooperating with the autarchy program of Hitler or with the rearmament of the Third Reich?

A.- No, I don't know that. I said that since I was a scientist I did not understand anything about industrial problems. I know, however, that

Bustofisch expressed himself severely against any intervention in industry just as we didn't like any intervention in science.

Q.- I will not ask the witness about what he meant when he said that they were not supporters of the National Socialist program; I don't think that would be too profitable.

THE PRESIDENT: Anything further with this witness?

If not, you are excused. (Witness excused.)

DR. FLAEBISHER: Mr. President, may I now present my document books first of all in order to stay within my proper time?

Document Book 7, of which I have heard that the translation has been submitted to Your Honors, deals with Count 2 of the indictment, and for the rest it contains some supplementary documents that I was able to present only now. Perhaps it is in compliance with the desire of the Tribunal if I consolidate my document presentation somewhat in order to expedite proceedings.

The first document, which is Bustofisch No. 87, is an affidavit of Georges Leleng, and it has already been submitted as Bustofisch Exhibit No. 146.

The next affidavit, Bustofisch No. 56, on page 3 of the document book, I offer as Bustofisch Exhibit No. 172. It deals with Bustofisch's activity in the Middle Oil Sector to fend off intervention by the State.

The following documents refer to the Continental Oil A.G. First we have here the affidavit of the former State Secretary Erich Neumann, which is Bustofisch Document No. 53 and which is offered as Exhibit No. 173. The document speaks for itself. I don't have to comment on it.

The next document is Bustofisch No. 133, on page 9 of the document book. I ask that it be marked Exhibit 174. These are the by-laws of the Continental Oil A.G. May I draw the attention of the Tribunal to paragraph 2, on page 10, where it says:

"The company's objectives shall be the taking over of participations

and any other business transactions in the fuel field, especially in foreign countries." This document is to show that this was only a holding company.

The next document, Bustafisch No. 286, on page 16 of the document book, is an affidavit of Walter Dählmann. I offer it as Exhibit 175.

This affidavit refers to the foundation of the Continental A.G.

The next document, on page 6, Bustafisch, 58, I offer as 176.

THE PRESIDENT: What is the document number that you are referring to, please?

DR. FLASCHNER: Excuse me. There has been a duplication. Two pages have been clipped together. The next should be the record of a meeting of the Vorstand of April, 1941, which is Bustafisch Document 232. This will be marked as Exhibit 176.

The following Bustafisch document, 305, on page 22, is an affidavit of Friedrich Silcher, the former expert in the legal department in Berlin. I offer it as Exhibit 177. The affidavit reads no comment.

The next document is an affidavit of Mr. Adolf Hochle. It bears No. 291 and will be offered as Exhibit No. 178. In the same way, the next document, the affidavit of Emil Wirth, Bustafisch 280, will become Exhibit 179. Both of these documents are reports from the Central Accounting Office and the books of the Ammonia Plant Harsburg, and they show that only the addition to the capital investment was laid down in the books, and that no other participation took place above and beyond that.

The next document, the affidavit of Gottfried Griebel, bearing Document No. Bustafisch 222, I offer as Exhibit 180. Griebel, the chief of the Mineral Oil Group in the Military Economy Office, states about the business management of the Continental Oil A.G.

The next document, Bustafisch Document 57, on page 33 of the document book, will be offered as Exhibit No. 181. It is offered with respect to the Prosecution's document, NI-8453, in Book 64 of the Prosecution's do-

document books.

The next is Buotefisch Document No. 134, on page 38 of the book. It is an affidavit of Guenther Schlicht. I offer it as Exhibit No. 182. From this affidavit it can be seen that the Continental Oil A.G. did not participate in the caucuses.

There are a few additional documents. First, Buotefisch No. 262, an affidavit of the former General Salzmuth, Hans von Salzmuth. I offer it as Exhibit 183. This document is intended to prove that the assertion of the Prosecution that a General Bockelberg had been called into the Vorstand and that that man was still a member of the "Bewegung" is incorrect. From this affidavit it can be seen that Bockelberg already resigned.

The next document is an affidavit of Broche, on page 42 of the document book, bearing Document No. 288. I present this document as Buotefisch Exhibit 184. No comment is necessary about this affidavit.

The next is Buotefisch Document 295, which will be marked with Exhibit No. 185. This document is presented to refute the Prosecution's contention according to which from the files of Farben the entire expenditure for the hydrogenation processes from Farben was put at 284 millions. From this affidavit it is furthermore shown that this compilation was made without regard to the counter costs for the sole purpose of getting a favorable abrogation of the contract concluded in 1933 with the Ministry of Economics about the fuel program.

The next document is Buotefisch 308. I ask that it be marked with Exhibit No. 186. This refers to Dr. Buotefisch's activity in the Brabag.

The next is Buotefisch document 310, on page 49 of the document book. I offer this with Exhibit No. 187. It needs no comment.

The next document, an affidavit of Hugo Stinnes, Buotefisch 303, on page 51 of the document book, will receive Exhibit No. 188. This Mr. Stinnes is one of the best known German industrialists. Stinnes testifies that during the cooperation with the Mathias Stinnes company under the affiant's direction Buotefisch did not exert any undue pressure when the Pott-Broche

hydrogenation process was developed, and that Bueckfisch made every effort to recognize the obligations toward the Stinnes company with the international agreements of Farben.

The next affidavit, which is Bueckfisch Document 301, on page 57, I offer under No. 189. This affidavit is important because the Prosecution holds the opinion that much nitrogen fertilizer had been produced in Leuna, but that the machinery for the production of technical and military explosives and explosives for preliminaries. The affiant testifies that that is not so easily possible, that complicated and expensive machinery is needed for that.

The next is an affidavit of Emil Wuerth, on page 59, bearing Document No. Bueckfisch 240. I offer it as Exhibit No. 190.

The following document, on page 61 of the book, is a certification of the Air Ministry of London, bearing Bueckfisch No. 237. This should be marked as Exhibit 191.

The next document is an affidavit of Dr. Schindler bearing Document No. Bueckfisch 311. I offer it as Exhibit No. 192. This affidavit explains the amounts of nitric acid and other nitrates consumed in Germany from 1930 until the outbreak of the war in 1939.

The next document is an affidavit of Dr. Karl Holdermann bearing Bueckfisch Document No. 299. I offer this document as Bueckfisch Exhibit No. 193.

DR. FLAENCHNER: Mr. President, during the presentation I followed the index of my document book, but it is now being pointed out that I skipped one document which is in the document book, but which is not listed in the index. On page 35 of the book there is a document bearing Rustefisch No. 285, which apparently has been skipped because one page in the index has been duplicated. I ask that I be permitted to hand that in subsequently at this time, and that it be given Exhibit No. 194. Exhibit 194 is an affidavit of Walter Dillmann dealing with the Continentale Oel, A.G. This, your Honor, concludes the presentation of documents contained in Book 7.

May I now turn to document book No. 9. The first document is Rustefisch No. 209 on page 1 of the book. This I ask to be marked as Exhibit 195.

The next documents refer exclusively to Rustefisch's attitude towards the general party policy and I can present them altogether for that reason.

Document 254 on page 2 I ask to be marked as Exhibit 196.

Document 272 on page 5 of the book I ask to be marked Exhibit 197.

Rustefisch document 198 on page 8 I ask to be given Exhibit No. 198.

Rustefisch document 252 on page 10 should be marked Exhibit No. 199.

Rustefisch document 245 on page 13 should be marked Exhibit No. 200.

Rustefisch document 152 on page 15 of the document book should be marked Exhibit 201.

Rustefisch document 186 on page 17 I ask to be marked Exhibit 202.

Rustefisch document 150 on page 20 of the document book should be marked as Exhibit 203.

Rustefisch document 251 on page 21 should become Exhibit 204.

Rustefisch document 249 on page 26 will become Exhibit No. 205.

This latest document emphasizes especially the intense negative attitude of my client towards National-Socialism and the affiant affirms that Rustefisch only joined in order to avoid any difficulties.

The next document, Zuetefisch No. 210, on page 28, I ask to be accepted as Exhibit No. 206.

The next following document, Zuetefisch 246 on page 31 will become Exhibit 207.

The next affidavit, Zuetefisch 158, will become Exhibit 208. This affidavit originates with the widow of the chemist, Dr. Bauwenn, who died in 1940, and who was put into a concentration camp for racial reasons in October, 1938, up to which time he had been protected by Mr. Zuetefisch and the other gentlemen of the Leuna plant, who maintained him in his position despite the pressure of the war, but that in 1938 he had to be dismissed and the widow confirms that in 1939 her husband was arrested by the Gestapo, that he later died in the concentration camp. My client testified about this subject and his statements are corroborated by the testimony of this widow. She emphasizes particularly that despite contrary regulations of the law, Zuetefisch and the other gentlemen of the Leuna plant were able to pay the widow's pension to this woman.

The next documents can again be consolidated. Zuetefisch document 147 will get Exhibit No. 209. That is on page 35 of the document book.

On page 37 of the book is found Zuetefisch document 137, which will bear Exhibit No. 210. The affiant was Zuetefisch's secretary. He certifies that Zuetefisch received an SS honorary rank, but that that was only a formality. He never saw Zuetefisch in uniform, and as far as the affiant knows Zuetefisch never possessed a uniform and never did service in the SS. It is also of interest that the affiant confirms that Zuetefisch often commissioned him to reject invitations to the Circle of Friends in Zuetefisch's name.

The next document is Zuetefisch document 143, which will become Zuetefisch Exhibit No. 211. This is an affidavit of Dr. Zuetefisch's female secretary in Berlin. She, too, confirms that she was given instructions to reject invitations to the Circle of friends, and she again confirms that the bestowal of an honorary rank in the SS was only a formality in Zuetefisch's case.

The next document is Eustefisch No. 235, which will become Exhibit 212. This deals with Eustefisch' attitude towards the racial policy of the National-Socialists, and that Eustefisch rejected this severely. The next affidavit is Document 155 on page 44 of the book. This will be given Exhibit No. 213.

The next document is Eustefisch document 219 on page 45 of the book. This will become Exhibit No. 214.

The next following document, Eustefisch No. 154 on page 48, will become Exhibit 215.

The next document on page 50 of the document book, Eustefisch No. 151, will become Exhibit No. 216.

This affidavit shows that the doctrine of the Lemmerwahrke, and particularly Dr. Eustefisch, tried to keep employees in their positions who were persecuted by the Gestapo for the reason that they belonged to the Jewish race.

The next document, Eustefisch No. 143 will become Exhibit 217.

The next document, Eustefisch 148 will become Exhibit 218.

The next, which is Eustefisch document 167, on page 55, will be marked Exhibit No. 219.

affiant states how Eustefisch helped him when he was persecuted by the Gestapo for the wine of race defilement. How Eustefisch supported him; how Eustefisch intervened to have the trial against him stopped; how Eustefisch made it possible for him to emigrate, and how Eustefisch helped him when this affiant returned for a short period and when the whole persecution started again against him.

The next document is Eustefisch document 302, an affidavit of Hugo Finnes. This I ask to be given Exhibit No. 220. This affiant again confirms that Eustefisch endeavored to stop interventions of the party, who wanted to tell these people in Lemna what to do with their employees.

The next document is Buotefisch No. 279. It will be given Exhibit No. 221. This is an affidavit of the referent in the mineral oil department of the Economics Ministry. He makes certain statements about Dr. Buotefisch political activities, just as does the next document, Buotefisch No. 253, which will become Exhibit No. 222. This is an affidavit of Dr. Hermann Zorn.

The following document, on page 76 of the book, Buotefisch document 100, has already been submitted and this only again is a part of that document. The entire document has been submitted in Book 4 under Exhibit No. 75.

The next document, Buotefisch 153, on page 77, will become Exhibit 223. The next document, Buotefisch document 250 on page 78 will become Exhibit 224.

The following document, Buotefisch No. 76, on page 81 will become Exhibit 225.

The next document, Buotefisch document 296, on page 84 will receive Exhibit number 226.

Again the next document Buotefisch No. 297 on page 87 will become Exhibit No. 227.

Document 84 on page 89 of the book will be marked Exhibit 228.

Document book 10 contains documents about the SS circle of Friends and about the significance of the bestowal of an honorary rank in the SS.

We have first of all Buotefisch document No. 307, which is a letter of Hesse State Ministry from the Minister for Political Liberation. It will get Exhibit No. 229.

The next document is Buotefisch No. 141, which will become Exhibit 230.

The subsequent document, Buotefisch No. 206, I ask to be marked as Exhibit No. 231. Your Honors will certainly remember that the Prosecution held in opening that Buotefisch had served with the SS Main Office. The Affiant of this particular affidavit is the former Chief of the SS

Main Office. He makes statements about the character and about the significance of the bestowal of an honorary rank in the SS, and he confirms that the Honorary Leader in the SS did not belong to any units; that they did not perform any duties, and that the acceptance as an honorary leader - Ehrenfuhrer - was done in the manner in which Dr. Buotefisch has explained it under examination; that the Reichsfuhrer SS invited such men in public life who by reason of their personal activity had become prominent, and that a distinction was made between them and those honorary leaders who were registered with the SS Main Office. It is interesting to see from this affidavit that the affiant confirms that the honorary leaders could not have had any insight into any events that the SS is charged with, since not even the SS department chiefs or other chiefs in the SS were informed about these events. The affiant further confirms that Buotefisch was never requested to perform any service; that he didn't have jurisdiction or command.

The next document is the communication of the Bavarian State Ministry for Special Tasks, which has already been submitted as Schnolders Exhibit 75. I merely incorporate it in my document book, but I don't have to give it any particular exhibit number.

THE PROSECUTOR: I think it would be better if you would give it your own number, since it has been processed and it has a document number of yours.

DR. FLATHEMER: Then may I have this marked as Exhibit No. 232? The next document is Buotefisch document 201, which will become Exhibit 233. The affiant describes how Buotefisch was given the honorary rank, what brought it about; that it was done at the instigation of Dr. Kranzfuss, who was a relation of Keppler. Kranzfuss played the leading role - the leading part in this affair. Then the affiant makes a statement about the manner in which Buotefisch accepted the so-called honor; how he tried to avoid this so-called honor for a long time, and how he finally succumbed to the representations that Kranzfuss made to him, and accepted this preferred rank. Interesting, however, is the fact - though it has not been brought

out in the examination and is something to which I have to draw the Tribunal's attention - that this affiant confirms that in 1944 when Kranz-
fuss wanted him to express a definite opinion in favor of the SS ideology,
that Baerfisch offered resistance and that he even asked that he be stricken
from the rolls of the Honorary Leaders of the SS. He further confirms that
first Kranz fuss treated this all in an amicable way, and then when Baerfisch
urged him he tried to evade the issue until after the 20th of July, 1944,
when the attempt on Hitler's life was made; that he expressed to Baerfisch
that it was now impossible for him to grant Baerfisch' request for can-
cellation of the honorary rank because that would mean that Baerfisch would
then himself be regarded as being on the same side as those people who
participated in the attempt on Hitler's life and those who were accused of
aiding or abetting the conspirators.

The next document is Baerfisch document 92 on page 13. I ask that
it be accepted as Exhibit 234. The affiant confirms how Kranz fuss tried
to remove him from his position and that it was due to Baerfisch' inter-
vention that he was able to have Kranz fuss desist from his endeavors.

The next is Baerfisch Document No. 256, which will become
Exhibit No. 235. This refers to the Weinberg case which has been
repeatedly mentioned here. I want to draw the Tribunal's attention par-
ticularly to this document, because from this document it becomes evident
that at that time when Baerfisch and the other gentlemen intervened for
the Geheimrat from Weinberg that went a very serious personal request for
them, that can be seen from the affidavit.

The next is Buetefisch Document 144. I offer this as Exhibit 236. This is an affidavit of Dr. Wilhelm Kammel. The next is Buetefisch Document 294. I offer it as Exhibit 237. This affidavit of Hans Rich explains the origin and the leadership of the so-called Circle of Friends. The affiant was a so-called associate of Krafuss and was a friend of that person. He makes statements about the motives which moved Krafuss to invite people from finance and industry to the so-called meetings of the Circle of Friends. He furthermore explains what Krafuss' intention was when he turned in particular to people from those professional groups.

The next document, an affidavit of the former Reichsbank-Director Karl Blessing, is Buetefisch Document 205. This will become Exhibit 238. Together with Buetefisch, Blessing was the last who was invited to the meetings of the Circle of Friends. In this affidavit, he generally describes those meetings of the Circle of Friends. In doing so, he refers to the visit which the Circle of Friends paid to Hitler's headquarters in December of 1943. He particularly describes the spirit and the sentiments that prevailed with the participants of this visit.

The next document, Buetefisch No. 208 on Page 34 of the Book, will be offered as Buetefisch Exhibit No. 239.

A. SPEAKER: Mr. President, we don't think that is evidence although you may want to leave it marked for identification since it is from the decision of a tribunal of concurrent jurisdiction.

THE PRESIDENT: That is correct. We will give it a number and mark it for identification, so that it will be available for counsel for the defendant as a briefing. It is not strictly evidence.

MR. MCNEEL: Mr. President, in their Document Book 91, the prosecution have presented an excerpt of the interrogation of the witness Krafuss before Military Tribunal IV. I took the position at that time which the prosecution is now taking. The decision was different.

THE PRESIDENT: That is correct. I thought this was a part of the

judgment; this is a part of the transcript.

DR. FRANKFURTER: This is a reproduction of the recorded testimony of witness Blessing that was made before Military Tribunal No. IV.

MR. PROSECUTOR: Then, I withdraw my objection.

THE PRESIDENT: Counsel for defense is entirely correct and the Document 204 is given No. 23, and is admitted into evidence.

MR. FRANKFURTER: Mr. President, this document and the previous one must be taken together. During his examination before the Military Tribunal IV, the witness Blessing was asked about his general experiences in the Circle of Friends. The affidavit that he rendered and which I offered as Exhibit 23 deals specifically with Rustefisch, and for completing the entire picture one must take the two documents together.

The next document, which is Rustefisch No. 225 on Page 4, is a document already admitted under Exhibit No. 102. This part here is only that extract of interest to our case. The same is true of the following document, Rustefisch No. 59, which has already been submitted as Exhibit 76.

We have taken an affidavit of Ernst Rudolf Fischer bearing Rustefisch Document No. 194. I ask that it be admitted as Exhibit No. 240. This document refers to a contribution. The affiant confirms how Wenefuss approached Rustefisch and the affiant at the end of 1941 and that he approached him later, in his capacity as a member of the Vorstand of the Continental Civil A.C. He further explains how Rustefisch, first of all, tried to get out of giving this contribution, and only because Wenefuss produced him that this was only a charitable purpose, that is the care for the next of kin for soldiers fallen battles, that he then gave in and that he then passed on this request for a contribution to Geheimrat Schmidt.

The next is Rustefisch Document 59. I ask that it be admitted as Exhibit 241. This affidavit has been made by a high SS leader, Gottlieb Burger, the Director of the SS Main Office. It is submitted because one can see from it that the Circle of Friends had nothing to do with the organization of the SS organically or in any other way.

The next document 260 will be offered as Exhibit 242. It is an affidavit of a physician who maintained close contact with Kranebusch and gives a general sketch of Kranebusch's character. The same is true of the next document, Buettfisch No. 292 which will be marked with Exhibit No. 243. This again is a description of Kranebusch's character. The affidavit confirms that Buettfisch often made use of Kranebusch's spirit of cooperation on behalf of third parties.

The next document, which is Buettfisch 264, will be offered as Exhibit No. 244. This is an extract from the official record of the court proceedings of the examination of witness Lindemann before Military Tribunal No. IV.

The next document, which is Buettfisch No. 265, I have incorporated here once more. I ask that Your Honors take judicial notice of it. It is an extract from the verdict of Tribunal IV in the case of the United States of Mexico vs Flick. This extract is submitted because Military Tribunal I dealt with the membership in the Circle of Friends of particular defendants and makes certain statements in that part of the verdict as to whether or not membership in the Circle of Friends constituted any crime or not. The judgment finds that this is not the case.

The next document is Buettfisch No. 169. It has already been offered as Exhibit No. 142. This is again brought here because in this affidavit the affiant confirms that Buettfisch had no contact with Himmler.

Mr. President, I offer for identification, Buettfisch Document No. 4. I had received Exhibit No. 171 for it. I shall have it translated and submitted later. I ask that it now be accepted for identification only.

THE PRESIDENT: That will be Document 4, Exhibit No. 246, is that correct?

DR. HILSCHNER: It is 171.

MR. SPEICHER: Dr. Hilschman said it will become Buettfisch Exhibit No. 171.

THE PRESIDENT: I understand now. Thank you.

DR. FLAUSCHER: For identification I have already submitted
Docketed Document 313, which be a Exhibit No. 134 for identification.
I shall have that translated very soon and submitted to the Tribunal.

Mr. President, I have only one more document of which I shall later-
day I had sent away the original for correction of a typing error. I
shall hand that in subsequently.

THE PRESIDENT: Very well.

DR. FLAUSCHER: At the moment, I have no further documents. I be-
lieve that I used my time in such a way that it would not now be opportune
to bring another witness. I shall reserve myself the right to ask whether
I waive the witness or whether I shall have him interrogated before the
commissioner.

THE PRESIDENT: As I understand the schedule, you have approximately
an hour and a half. Perhaps that will be sufficient time. We have an
hour and a half available yet which you may use in any way you see fit.

The Tribunal will now rise for its recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Gentlemen —

DR. FLAEBCHNER (Attorney for the defendant Sustefisch): With the permission of the Tribunal I will now call the witness, Dr. Karl Braus.

THE PRESIDENT: The Marshal may bring in the witness. In the meantime, may I take this opportunity to make an announcement: Because of circumstances over which we have no control, it will be necessary for the Tribunal to recess this afternoon at four-thirty. The time lost will be charged to the Tribunal until we find some place to make it up.

DR. KARL BRAUS, a witness, took the stand and testified as follows:

THE PRESIDENT: Mr. Witness, will you please remain standing. Raise your right hand. Say "I" and state your name for the record.

THE WITNESS: I, Karl Braus.

THE PRESIDENT: And now repeat after me the oath of a witness: — swear by God, the Almighty and the Omniscient, that I will speak the pure truth and that I will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. FLAEBCHNER:

Q Dr. Braus, will you tell the Tribunal briefly, where do you live?

A In Heilbron.

Q When were you born?

A 20 April 1902.

Q You are a chemist by profession?

A Yes.

Q How long did you work for Farben?

A Since 1926.

Q Where did you work?

A From 1933 on I was in the Leuna Plant in the Low Pressure Department.

Q Were you always in Leuna, or were you employed abroad too?

A From 1937 until 1939 I was in Japan. A nitrogen plant was built by Farben for Mitsubishi and I put it in operation.

Q Who was your superior at Leuna?

A Oberingenieur Pabel and Dr. von Staden.

Q Dr. Braus, did you have anything to do with the planning of the so-called Leuna part of Sparte I?

A Yes.

Q Please explain that to the Tribunal.

A My superior at Leuna, Dr. von Staden in March 1941 gave me the assignment under his supervision to plan the so-called Leuna part at the new Auschwitz Plant and to put it into operation after it had been constructed.

Q Were you in charge of this plant in 1943-44?

A After October 1943 I was in charge of this plant at Auschwitz.

Q Dr. Braus, what did Bueteufisch have to do with the planning of this Leuna plant?

A Dr. Bueteufisch was the technical chief of the Leuna works. As Mr. von Staden told me, he had over-all supervision over the technical planning of Leuna at Auschwitz.

Q Will you describe to the Tribunal your duties in connection with this planning?

A My duties were to organize the installations, that is to say, to determine what machinery and what apparatus were required.

Q Perhaps you will tell us, first of all, what was to be put there in Auschwitz, by Sparte I?

A There was to be a hydro-carbon synthesis built in Auschwitz. This project had been discussed at Leuna. It had been given to Leuna as an assignment before I knew of the Auschwitz project. In the very beginning it was said that this hydro-carbon synthesis was to be built near

Leuna. When the site at Auschwitz was chosen for Buna Plant No. IV, it seemed expedient and advantageous to build this new hydro-carbon synthesis at Auschwitz, together with the Buna plant.

Q Was that site favorable for a synol plant?

A Yes, very, especially because the major raw materials, coal and coke, which were needed, in large quantities, were available in large quantities in the immediate vicinity of Auschwitz.

Q You said before that the order was given to build such a plant near Leuna, if I understood you correctly.

A No, the order had been given to work out such a project and, as I recall, Leuna first intended to set it up near Leuna. I believe the place was called Kriegsdorf.

Q Yes, and then it was said, "we will go to Auschwitz."

A Yes.

Q Was the question of labor considered in deciding to go to Auschwitz?

A No. Before plans were approved by the authorities, all questions involved, such as the obtaining of materials, building materials, labor, had to be settled. When I was told about this project, I assumed that these questions had been settled. At any rate, if the authorities wanted such a plant to be built they had to give the directives for obtaining the workers.

Q Did you hear that inmates were to be used to build the plant?

A In the beginning when I was called in, I did not know that. I heard of it later, about May, 1941. I heard of a decree of Goering ordering that concentration camp inmates were to be used for labor at Auschwitz.

Q Had you inspected conditions at Auschwitz personally at that time?

A In the early summer of 1941 I was at Auschwitz for the first time.

Q Did you consider this regulation that inmates were to be used in the construction work anything out of the ordinary?

A No, because inmates and prisoners were employed everywhere in industry.

Q Dr. Braus, records of the construction meetings have been put into evidence here. I should like to ask you, did you attend these construction meetings?

A I did attend most of them.

Q What was discussed at such meetings?

A All problems affecting the construction of this plant; construction work, ordering machinery, labor, and so forth.

Q Of Sparte I, who participated in these conferences?

A In Sparte I, Dr. Duerrfeld was entrusted with the assembly by both Sparten. He attended regularly. Also, Dr. von Staden, whom Dr. Bueteufisch had entrusted with the planning of the Leuna Part, as I have already said. Generally, the first Engineer of Sparte I, Dr. Sauer, was represented; usually the First Engineer of Leuna, Dr. Strombeck was present; and almost always, the First Construction Engineer of the Leuna Plant, Mr. Hoepke.

Q Did Bueteufisch attend many of these construction conferences?

A No, Bueteufisch attended very few of them.

Q But Bueteufisch had the over-all supervision of the planning?

A Yes, he did, but he had a great deal to do, and he conducted himself in this case as in many others: He merely received reports on general matters, and he was asked for his decisions only in very special cases, when the rest of us could not manage.

Q. Did you often talk to Buetefisch about these construction matters, or did you go to other people first?

A. First of all I had to go to Dr. von Staden. He had been my superior at Leuna for years and he had the responsibility over me. Dr. von Staden reported to Dr. Buetefisch first. Of course, I went to see Dr. Buetefisch together with Dr. von Staden, too; and of course it did happen that I went to report to Dr. Buetefisch alone.

Q. Dr. Braus, did you always receive the reports of the construction conferences?

A. Yes, I did.

Q. Did you report to Dr. Buetefisch in each case?

A. No; that was up to Dr. von Staden.

Q. The weekly reports of the construction management at Auschwitz have been brought up here recently. Are you familiar with them?

A. Yes.

Q. Did you also receive these reports?

A. Later I received these reports regularly. I received the reports for about three quarters of a year in the beginning all at once. Dr. von Staden handed them to me. That was about the end of 1941.

Q. When did you go to Auschwitz permanently?

A. I have already said I was in Auschwitz permanently from October 1943 on.

Q. In the meantime had you been there often for inspection?

A. Yes, of course, about every two or three months I was there for a few days in order to inform myself about the progress of the construction of my plants.

Q. The question of the treatment of the inmates is of interest here. Did you see any inmates at work there?

A. Yes, I did.

Q. What was their condition?

A. They were in uniform. They had striped clothing. Their heads were shaved. But on the whole I didn't notice anything special about them. They did not differ fundamentally from other categories of workers: That is, Poles, or Ukrainians, or Czechs, or German workers either.

Q. Were these inmates decently fed, or was their condition such that they were not able to do the work that was expected of them?

A. These inmates did not give the impression that they were incapable of doing the work expected of them.

Q. Were you able to make any observations to the effect that the inmates were driven to work particularly fast?

A. When necessary, everyone was held to his work, of course, but I never heard that any rough or inhuman methods were used to make the prisoners work.

Q. Witness, let me put the question like this. Did you observe that Gaps or SS guards beat the inmates?

A. I, myself, did not see that, but in a few cases I heard about it afterwards; I always heard at the same time, however, that everything had been done on the spot to stop such violence.

Q. In the so-called weekly reports did you notice remarks referring to such incidents?

A. I do not recall any such remarks, but I do recall that repeatedly, especially in the earlier construction conferences, the subject was brought up: How can we effectively prevent the SS from beating the inmates?

Q. Who was in charge of construction at Auschwitz?

A. In the beginning, Mr. Faust, and later, at the end of 1942 when Mr. Buerrfeld came to the construction site, in addition to being in charge of the assembly, he was also put in charge of construction, as I recall.

Q. What kind of a man was Faust. I mean his personality, his conduct?

A. Mr. Faust was a choleric. He was a man who had worked on many construction sites, and he had a rather rough manner.

Q. How did he act?

A. He was correct and decent.

Q. Do you mean to say that even if Mr. Faust sometimes used strong language, that doesn't necessarily mean that he always did what he said?

MR. STEDICHE: Objection.

THE PRESIDENT: The objection is sustained.

BY DR. FLAORSHER:

Q. You said that Mr. Faust was a choleric person. Is that merely in his works, or did he allow himself to be carried away and do things for which he was sorry afterwards?

A. I am not aware that his temper induced him to do anything like that.

Q. Another question. Were any compulsory means used by the construction management to drive the inmates?

A. Not that I know of.

Q. Did you ever notice, or was it ever reported to you, that master workmen, that German foremen beat the inmates? I make a distinction between the Capos and the free German master workmen and foremen.

A. I do not recall that it was said that German master workmen beat the inmates. I have already said that especially in the beginning it happened rather frequently that the Capos beat them.

Q. But then the construction management always took steps to prevent that as far as possible?

A. I have already said that.

Q. Dr. Braus, did the construction site at Auschwitz differ fundamentally from other construction sites?

A. I have seen many construction sites, both in Germany and abroad. Auschwitz was an enormous one. It was distinguished by its phenomenal organization, by the large number of machines and devices for making the work easier, which were hardly to be expected, seeing that we were in the middle of a war.

Q. These machines were used to do the work mechanically as far as possible?

A. Yes.

Q. In the part of the construction which was under you, were the inmates, insofar as any worked there, worn out to the point where they were no longer able to do the work?

A. No, never. The inmates working in the plant without exception had light work assigned to them. They were assistants in laboratories, for instance; they kept lists; they helped in the glass warehouse, in the chemicals warehouse. These were the most important places where they worked. Inside, where it was warm and quiet.

Q. There has been a great deal of talk here about weak inmates, who were unable to work, being selected and sent away to be exterminated. Do you know of any such thing happening at the Auschwitz plant?

A. I never learned of it, and I consider it absolutely impossible for such a thing to have happened in the Farben plant at Auschwitz.

Q. Did you visit the labor camp Auschwitz?

A. No.

Q. Did you hear anything of the gassing of human beings in the concentration camp Auschwitz?

A. No.

Q. Did you ever have any occasion to report to Dr. Bautefleisch directly about abuses in the employment of inmates?

A. No.

Q. Another point: It has been said that methanol produced at Auschwitz was sent to the concentration camp Auschwitz and was used

there to burn human bodies: Is that true?

A. It is possible that methanol was delivered to the concentration camp Auschwitz, in the form of so-called preliminary (Vorlauf-) methanol.

Q. What is that?

A. That is impure methanol which is unsuitable for processing into a finished product, but the preliminary methanol that we sold as a motor fuel, as a substitute for gasoline. For instance, it was repeatedly delivered to the authorities, because there was not enough gasoline. But I never learned and I would never have considered it possible that the methanol which we sold was used for cremating human beings.

Q Can that be done?

A I would consider methanol unsuitable for such cremation, because it is a liquid which boils easily and does not burn easily.

Q Do you know Dr. Giesen?

A Yes.

Q Did you have any official business with him?

A Yes, a great deal.

Q In what way?

A Dr. Giesen was my superior after Mr. von Staden died. Dr. Giesen was head of the methanol operations in the Leuna plant. He was also Methanol Commissar of the Gebiet.

Q Did you ever report to Dr. Giesen about irregularities in the treatment of the workers, especially the inmates?

A I had no reason to do so.

Q Very well. How often was Mr. Giesen at Auschwitz?

A Later on, that is from 1943 on, he was at Auschwitz fairly often, every two or three months.

Q How often did you see Mr. Bueterfisch at Auschwitz?

A Mr. Bueterfisch was at Auschwitz very little. He was at Auschwitz two or three times.

Q Do you know the Fuerstengrube?

A Yes.

Q Did you have anything to do with it?

A Yes. Dr. von Staden and Mr. Bueterfisch assigned me to work on the coal problem for Auschwitz. It was my duty to work out the plans for the requirements of coal and the plans for meeting the coal requirements, and I also had to indicate what type of coal was needed for the Auschwitz plant. Since we had a big coke works and hard coal was to be made into coke for the first time in large quantities, it was

necessary to study very carefully what type of coal was suitable. Only very few types of coal are usable.

Q And the Fuerstengrube was able to supply the coal which you wanted?

A Yes, sir. The coal requirements were very large, about two million tons per year, and in order to get this coal more coal had to be obtained by expanding the mines.

Q Who ordered this expansion of mines?

A In my opinion the agencies in charge of coal ordered it, either the Reich Office for Coal or the Reich Association for Coal, because during the war one could not simply buy coal wherever one wanted to. Like all major raw materials, coal was very strictly rationed and allocated. Of course, one had to know what one wanted, and one had to be able to say where this coal could be found that one was asking for.

Q Tell me, Dr. Braus, could you give the managers of the Fuerstengrube GmbH any instructions?

A No, of course not. First of all I had no authority to do so, and secondly, I am a chemist, not a miner.

Q Did Dr. Gustofisch give you any special authority for this purpose?

A No, I had no authority.

THE PRESIDENT: Just a moment please, we have some technical difficulties. The current is off. Just sit by a moment, and perhaps the condition will be remedied.

The Court will come to order. You may continue, counsel. I am informed that everything is all right now.

Q (By Dr. Fleischner) Dr. Braus, you have --

THE PRESIDENT: Wait a moment, the difficulty still continues.

THE PRESIDENT: The court will come to order. I am advised that the length of time that it will require to restore the service is quite uncertain. I am told it may take an hour to get the sound track to operating again.

In view of the fact that we had already announced that we would recess at 4:30 in any event, the Tribunal is about to recess until nine o'clock tomorrow morning.

The Tribunal is now in recess.

(The Tribunal adjourned until 0900 hours, 12 March 1948.)

1948
12 March-M-FI-1-1-Stewart (Int. Katz)
Court No. VI, Case VI

Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States
of America, against Karl Krauch, et al; de-
fendants, sitting at Nurnberg, Germany, on
12 March 1948, 0900-1645 hours, Justice Cur-
tis C. Shaks, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States
of America and this honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please Your Honors, all the defendants are pre-
sent in the courtroom.

DR. KROEN: Dr. Kroen for Dr. Kuehne. Mr. President, may I ask that Dr.
Kuehne be excused from this afternoon's session for the preparation of his
defense?

THE PRESIDENT: That request is granted. Any other announcements from
counsel? Then you may proceed, Dr. Flachsner.

KARL BRAUS - Resumed.

DIRECT EXAMINATION (Continued)

BY DR. FLACHSNER:

Q.- Dr. Braus, you stated you had finished your statements about
your observations in Auschwitz during yesterday's examination. You gave
an affidavit about the Fuerstengrube, that is your affidavit of the 5th
of January. Do you have anything to add to the statements made in that af-
fidavit?

A.- No,

Q.- I wanted to find out from you, do you know or do you not know
that the Fuerstlich Pless mining company had a personal interest in seeing
to it that the Janina mine should be bought by the Fuerstengrube?

A.- The Fuerstlich Pless mining administration certainly was very much
interested in buying that mine; however, they lacked the funds and they
didn't have the authority to do so. At any rate, Director General Falken-

ahn's statement.

Q.- Falkenhahn was the chairman of the Vorstand of the Fuerstlich Pless mining company?

A.- He was the director general of the Fuerstlich Pless'sche Bergwerke A.G.

Q.- Did you know that concentration camp inmates were employed in the Fuerstengrube for work?

A.- Yes.

Q.- Do you know any details about it?

A.- No.

DR. FLAEGHSNEY: Thank you, I have no further questions.

THE PRESIDENT: Any further questions from counsel for the defense? If not, the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. SPRECHER:

Q.- Dr. Braus, are you always careful to give the full truth when you give a statement under oath?

THE PRESIDENT: That is not a proper question, Counsel. You need not answer that question.

Q.- Have you ever given false information when you were under oath?

THE PRESIDENT: That question is wholly improper and Counsel should not pursue that sort of an inquiry. If you have anything specific, please approach it.

MR. SPRECHER: Dr. President, I would like to find out from Your Honors whether or not a question to discover whether this witness understands the difference between giving partial information and giving full information is properly —

THE PRESIDENT: Counsel, the Tribunal has ruled. Ask your next question and we will rule on whether it is proper.

Q.- Dr. Braus, I show you NI-10929, which will become Prosecution Ex-

John's statement.

Q.- Falkenhahn was the chairman of the Vorstand of the Fuerstlich Pless mining company?

A.- He was the director general of the Fuerstlich Pless'sche Bergwerke A.G.

Q.- Did you know that concentration camp inmates were employed in the Fuerstengrube for work?

A.- Yes.

Q.- Do you know any details about it?

A.- No.

DR. PLAECHSNER: Thank you, I have no further questions.

THE PRESIDENT: Any further questions from counsel for the defense? If not, the Prosecution may cross examine.

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THE PRESIDENT: Counsel, the Tribunal has ruled. Ask your next question and we will rule on whether it is proper.

Q.- Dr. Braus, I show you NI-10929, which will become Prosecution Ex-

Exhibit 1994. This is an affidavit which you gave on the 23rd day of August, 1947, concerning two principal topics, Auschwitz and Furstengrube. Did you make that affidavit under oath?

A.- Yes.

Q.- Did you give any false information in that affidavit?

THE PRESIDENT: Now, Counsel, the Tribunal has ruled on that matter. We are not undertaking to limit your proper cross-examination of this witness, but these are certain well determined and considered procedures for dealing with that subject, and I think you know what they are. Will you please conform to that formula?

MR. SPRECHER: I am sorry, Mr. President, I claim a certain amount of surprise by virtue of your statements concerning proper procedure. I understand that someone can lay a foundation for prior inconsistent statements, and that he has a certain amount of leeway in that connection. From your rulings, I am somewhat at a loss to know exactly how to proceed. I have observed the procedure I am following having been practiced. I may be absolutely wrong, but I have seen it practiced.

THE PRESIDENT: Counsel, certainly we are not seeking to embarrass or to annoy you. Your questions, if I may undertake to enlighten you, are entirely too broad and general. You have a right to lay a foundation for impeachment. You have a right to impeach any witness that is adverse to your theory of this case, but it should be specific. You cannot expect the Tribunal to permit a witness to be interrogated as to his habits or practices of telling the truth or falsehoods. Now, if you perceive in his testimony that he gave here in examination in chief anything that you deem to be the proper subject of impeachment, you may impeach him with a document that he has executed under oath, but it is not proper to harass the witness with general questions touching his practice of veracity and truthfulness. It must be specific and definite.

Q.- Now, witness, isn't it a fact that the defendant Duerrfeld pro-

ured concentration camp inmates from Auschwitz for the Fuerstengrube, and that you knew that at the time?

A.- I cannot remember exactly what brought the employment of inmates in Fuerstengrube about.

Q.- I didn't ask you if you remembered just what brought it about, I asked you if you didn't know that the defendant Duerrfeld did procure inmates.

A.- I am sorry, I don't understand your question.

Q.- Did you know that the defendant Duerrfeld procured concentration camp inmates from Auschwitz for the Fuerstengrube mines?

A.- Excuse me, how am I to understand this question? Mr. Duerrfeld procured inmates for himself, for Fuerstengrube? What do you mean by the word procure inmates, procure?

Q.- Did you know of any steps which the defendant Duerrfeld took in order to bring concentration camp inmates from Auschwitz to Fuerstengrube?

A.- I am at a loss to know what steps Mr. Duerrfeld should have undertaken. I do not know in detail what brought the employment of inmates in Fuerstengrube about.

Q.- Is it a problem that you don't think you know the details, or don't you know the facts about whether or not he did bring the — take the initiative to bring the concentration camp inmates from one place to another?

A.- I don't remember anything of these events. It wasn't part of my duties and I didn't concern myself with it.

Q. Is it not true that the concentration camp inmates who worked at Fuerstengrube and at Janina were looked after by representatives of the I. G. Farben at Auschwitz?

A. I know quite definitely that the employment of inmates was not supervised by representatives of Farben. That was the affair of the mining corporation. It is correct that the inmates were fed from Auschwitz.

Q. Now, I want to show you Prosecution Exhibit 1994, a photostatic copy which you signed. Will you turn to the last page? Is that your signature there, witness?

A. I beg your pardon. Will you permit me to read it first? Of course, yes, I did sign this.

Q. Did you make changes in the text of that affidavit in your own handwriting?

THE PRESIDENT: Counsel, you mean before he signed it or at the time he signed it?

Q. Yes. You understood the addition which the President of the Tribunal made, before you signed it you made changes, is that correct?

A. Yes, before I signed it, I made certain corrections in handwriting.

Q. Now, I ask you to read paragraph 14, the numbered paragraph 14 of this affidavit. Now, speaking of Falkenhahn, the local business manager of Fuerstengrube, the following statement appears, "Whenever he wanted any support, he therefore went to Walter Duerrfeld, who always helped him, and for instance procured for him laborers from Auschwitz concentration camp for the Fuerstengrube." Does that refresh your memory as to what the actual situation was?

A. The interrogation which Mr. von Halle conducted with me took place in August of the previous year. There has been a certain period of time between that time and now. The interrogation took

place in the following way. Mr. von Halle told me a number of things that I didn't know any more or of which I couldn't remember details, and he asked me to give my assent to them; I see that Mr. von Halle refreshed my memory at the time about it and that I confirmed it.

Q. Did you ever see any inmates from the concentration camp who were no longer able to walk by their own initiative and energy but who had to be helped by other people so they could walk?

A. Occasionally, I saw prisoners limping and who were supported by their fellows, but I didn't see that any more frequently than I saw workers of other nationalities limp or even German national workers. On construction sites, as is in the nature of things, there frequently occur serious accidents and it also happens that people become sick and unwell. This did not take place to an extent that might have been considered conspicuous.

Q. Did you at any time see inmates who looked undernourished and not well fed?

A. I saw prisoners in Auschwitz that were badly nourished, but these people were not so badly nourished so that one had to conclude that they could not take care of the work that was expected of them.

Q. Why was it necessary for you to receive the so-called weekly reports from Auschwitz so that you even got the back numbers which had been issued before you came to Auschwitz? Why was that necessary for you to have them?

A. Yesterday, I related that I was charged with construction of a certain plant. For that reason, all statistical material had to be made available to me which informed me about the rate or speed of construction of this production plant. These weekly reports were purely and simply construction reports. If I had to conclude from these reports that there was some stoppage in the construction that would have meant that all subsequent operations would have been stopped too, and that was the reason why I received these weekly reports.

Q. Did I understand you to say that the weekly reports were only statistical reports on construction?

A. The weekly reports, as I remember them, were to express what I just stated. They were to give the construction stage at the construction site.

Q. They discussed the labor situation as well, did they not, according to your recollection?

A. Yes, it was also discussed in those reports.

Q. Now, you signed another affidavit several months after you signed the affidavit Prosecution Exhibit 1994, did you not, which was about methanol?

A. Yes.

Q. And that was about February of the year 1948?

A. Excuse me, I don't know the number, but it is true that I signed an affidavit about methanol.

Q. At that time, did you ask anybody to make any additions or corrections to your prior affidavit, Prosecution Exhibit 1994, the one you have before you? Did you ask at that time to make any additions or corrections to it?

A. At that time, I did not request that your affidavit NI-10929 be corrected. I merely requested Mr. von Halla to permit me to look at this affidavit once more, that he leave a copy of it with me for the reason that has just now been shown to be necessary. I wanted to know in particular what events I was able to remember after Mr. Halla had talked to me in the previous occasion in August of 1947.

Q In the meantime had you been approached about becoming a witness in this case again? That is between August and February?

A Of course, I was approached, for otherwise I wouldn't be here in this room.

MR. SHERMAN: No further questions.

THE PRESIDENT: Mr. Prosecutor, just a moment, please. I am concerned at your not thinking that the Tribunal had acted abruptly or harshly with reference to your inquiry. This witness has testified here under oath; he is subject to impeachment, we recognize that and certainly are not disposed to place any hardships or obstacles in the way of the prosecution or any other counsel to impeach any witness. What we have tried to indicate by our ruling is this: The recognized practice is to ask the witness if he has not at some time or place made some statement, setting forth what it is that is contrary to what his testimony has been before the Tribunal. If he admits it, there is no further inquiry, he is admittedly in conflict in the stories. If he denies it, you may produce a witness that he had made the statement, or you may deal with the matter conclusively by showing that he has made a written statement or a sworn statement, and then the two statements show the conflict. Now, that is what we are trying to indicate. The Tribunal does not indulge the thought that you make ask whether he's in the habit of being untruthful or of speaking untruthfully. Now, that was the substance of our ruling, and we thought it only fair to make this explanation to you in order that you may protect upon right your responsibility.

JUDGE LEVITS: I have a few questions I would like to ask.

EXAMINATION BY THE COURT

DR. KARL WAGNER

BY JUDGE LEVITS:

Q Mr. Witness, were you given a copy of your affidavit, Exhibit 1994, at the time you signed it?

A Excuse me, I don't know what 1994 is.

Q That's the affidavit that you have that was just handed to you by the prosecution

A That's Document 10929, is that right?

Q That's right.

A I never received a copy of that affidavit. I thought that that was lacking -- that I needed such a document.

Q I know, but I just asked you: Have you received it?

A No.

Q You didn't receive a copy in August?

A This was the first time that I got it, now.

Q You read it over before you signed it, did you?

A Yes.

Q When did you decide that some of the things that are said in that affidavit were different from the facts as you remember them now?

A There is, of course, a history with this affidavit. I was interrogated for a whole week by Mr. von Kalle.

Q Just a moment. I am not asking you for the history. It appears now that the facts as you remember them are not exactly the same as the theory in the affidavit. Is that true?

A It appears as though there were some contradictions.

Q Yes. Now my question is: When did you find out or when did you decide that the things that are said in this affidavit are not true or in accordance with the facts as you remember them now. I want to know when you discovered that.

A That --- I noticed that only at the moment when I received the document when I sat down here.

Q Then you hadn't remembered what you read the affidavit over at the time you signed it?

A The affidavit did not correctly represent what I had said in August and what I actually remembered at that time. A part of this was a little different from what I knew and before I signed it I had to make many changes.

Q But then after you had made the changes and signed it you thought at that time it was true, did you?

A I believed at the time that generally it corresponded to what I know at the time.

JUDGE HOPKINS: That is all. Thank you.

BY THE PROSECUTOR:

Q May I ask you how long were you interrogated before this affidavit was prepared?

A I was interrogated from Monday through Friday, during five days, and on some days I was interrogated twice on one day.

Q And was this affidavit, a copy of which you now have in your hands, prepared after the interrogation?

A It was prepared after the interrogation.

Q Did you write it or did someone else write it and give it to you?

A It has been finished in writing and was submitted to me in writing.

Q Then you made certain corrections in it, as I understand, at the time or before you signed it?

A Before I signed it I made many changes in my own handwriting but it wasn't very easy to make these changes. Especially towards the end I had to conduct longer negotiations with Mr. von Halle before he was ready to permit me to make these changes, and all the changes I had to fight for in long disputes with Mr. von Halle.

Q Have you since the interrogation and since the -- you signed the affidavit, have you copies of either of these documents until today?

A Up to this date -- until today -- Oh, I must make a correction here. In February during the interrogation I asked Mr. von Halle, as I have already stated, to give me a copy. At first he wanted to do so, but later he didn't give me a copy, but I don't know any more for what reason. While I was dictating my second affidavit -- I was permitted to dictate this affidavit to Mr. von Halle's secretary in Mr. von Halle's

absence — and during that occasion in February I was able to see parts of my affidavit. I don't know any more what pages these parts were on, but I was able to do so because it happened to be lying on the table.

Q Very well, that answer the question all right.

THE PRESIDENT: Any further interrogation of this witness on behalf of Counsel for the Prosecution or Defense?

REDIRECT EXAMINATION

DR. KARL PELUS

BY DR. FLACHSNER:

Dr. FLACHSNER: Dr. Flachsnor.

Q Dr. Braus, would you please look at page 6 of this affidavit that has been submitted to you. On the next to the last line it says that — paragraph 13; the third subsection under paragraph 13, at the end of the page — it says "apart from Janina mine and Fuerstengrube which were owned by Farbion," and I ask you is it correct that Janina and — Janina mine and Fuerstengrube were owned by Farbion?

A This is incorrect. Janina mine and Fuerstengrube were only partly owned by Farbion — 50 or 51 percent.

Q Yes. Because I wanted to point out to you that in the same affidavit, the beginning of paragraph 14 on the next page, reads as follows: You say Fuerstengrube — 51 percent in the Fuerstengrube G.M.B.H. shares were owned by Farbion. Then the previous statement is not correctly formulated in that affidavit?

A That's right.

Q Was the Janina mine, do you know, at any time owned by Farbion?

A The Janina mine belonged to Fuerstengrube G.M.B.H.

Q Did it belong to them or was it under their administration?

A It was under their administration of Fuerstengrube and it was intended, if I remember correctly, that Janina should be bought, but it wasn't possible and therefore it was administered.

Q You say -- or, to put it differently, this affidavit says under paragraph 14 in the third para -- in the third subsection, Heinrich Buetefish -- and I quote: "Heinrich Buetefish and Otto Ambros were always informed about what happened in the Fuerstengruhe through the so-called coal conferences." Unquote. Does this remark in the affidavit refer to any details of the plant, questions of labor employment, any question of the increase of average production? What does it refer to?

A. This expression, of course, does not refer to these details.
What happened -- The expression about what happened at Fuerstengrube means
these events that I negotiated as the liaison man with the Fuerstengrube
G.I.B.H.

DR. FLAEGESBERG: Thank you very much.

I have one more question.

Q. You said a little while ago how this affidavit was brought about --
how it was propounded; that you remembered after the interrogator talked
to you for quite a while. Now I ask you did you really remember it at
the time or did you just believe that you remembered it after he had
explained these events as follows to you --

THE PRESIDENT: Counsel, I do not know what the difference would be
between believing and believing you remember. It amounts to about the same
thing. We believe what we remember and we believe what we think we remember.

DR. FLAEGESBERG: Well, then I'll put it a little differently.

Q. Are you today under the impression that what you have stated
under the circumstances as described to you that you now believe that it
is a suggestion or that it is true and valid memory?

A. It was no real memory that I had.

DR. SEIDL: Dr. Seidl for the defendant Duerrfeld.

QUESTIONS BY DR. SEIDL:

Q. Dr. Brown, you testified that you had to fight for all changes
that you made in this affidavit. May I understand your testimony to mean
that when you signed this affidavit you felt to be under some pressure?

A. Undoubtedly I did under certain pressure.

Q. You made certain affidavits available to the Defense Counsel of
Dr. Duerrfeld. Would you explain how these affidavits were propounded and
whether during the propounding of these affidavits you could express your
opinion freely?

MR. SPEECHER: These affidavits are made available and issued at that
time that this might be valid --

THE PRESIDENT: We are not presently concerned with the Duerrfeld

affidavits, as I understood the status of the case at this time. That inquiry would not be proper at this time. It might be and might not at some other time.

DR. SEIDL: Then I withdraw my question.

Q. Mr. Witness, in your affidavit under number — paragraph 3 you said that the Monday conferences were held under the chairmanship of Walter Duerrfeld. Were these the so-called Main Department Chief conferences?

A. Yes.

Q. Would you please tell the Tribunal briefly how such a conference was conducted and what questions were dealt with during these conferences?

A. On these Monday conferences, or the so-called Main Department Chief conferences, all questions that had to be settled directly on the construction site were discussed and the decisions on these questions could only be expected by us.

Q. Who participated in these conferences?

A. The Main Department chiefs — that is, Dr. Duerrfeld, Eisfeld, myself the two leading engineers, the chief construction engineer, the representative of the Commercial Department, Dr. Sabalaberg, the representative of the Social Welfare Department, and also the representative of the workers problems. And there were any number of experts in the amount in which they were needed.

Q. May I take your statement to mean that all essential questions were commonly treated and dealt with and that they were also then decided on these conferences?

A. Yes.

Q. You said that the decisions had to confine themselves to those questions as to you — as to those decisions that you were competent to make.

A. Yes.

Q. What happened to the other questions and to when were they submitted?

A. That depended on what field of work that concerned those questions. If there were important decisions about the coal sector, then I had to turn over those questions to Herr von Staden or Dr. Gustafisch. If those questions concerned the Buna Plant or the Buna production, then they were reported to Mr. Bross by Dr. Eisfeld. If assembly questions were concerned, then Dr. Duerrfeld discussed them with the chief engineer of his Sparte.

Q. Under paragraph 5 of your affidavit you say that Dr. Duerrfeld was the plant leader, that he functioned as managing director of the local Auschwitz plant. In that connection I want to ask you, was Dr. Duerrfeld ever appointed a plant leader?

A. I believe that I know quite positively that Dr. Duerrfeld was never appointed the plant leader of the Auschwitz plant. Above and beyond that, I know and the Vorstand also stated that definitely, that according to the situation the chief of Auschwitz could only be a chemist and that it was provided that the plant leader of the Auschwitz enterprise should be a chemist.

Q. Under paragraph 6 you say that in Germany, under the influence of National Socialism, the so-called principle of leadership was created. I assume that that formulation does not come from you and therefore I want to ask you whether it came —

MR. SPEAKER: No object.

THE PRESIDENT: It is improper for counsel in direct examination to place the witness the position of saying whether something in an affidavit came from him or someone else. Ask him for the fact as to whether it came from him.

Q. Dr. Bross, during the interrogations did you mention the leadership principle and was it incorporated in your affidavit upon your instigation?

A. Yes, I did.

Q. I want to know from you, is it correct that Auschwitz in particular was distinguished by the fact that all questions were treated in common conferences?

A. It was a matter of course that all these questions were discussed.

There is no place in the world where things are decided upon without listening to the experts or the people concerned with these matters.

Q. Do you know what brought about the formation of the so-called special purpose workers group. What were the reasons for that and who caused this group of workers, or this detail of workers, to be instituted?

A. I only know the approximate reason. If I make any statements, I don't know if they are absolutely correct. Am I to answer nevertheless?

Q. If you don't have any knowledge of your own then I waive your answer. I don't need your answer.

Under paragraph 7 of your affidavit you make certain statements about the employment of inmates. Did you have the impression that any member of the camp in general and Dr. Durrfeld in particular was enthusiastic about the employment of inmates or didn't you rather have the feeling that all people in Auschwitz would rather have worked with free laborers?

A. That was quite unequivocally the way you have stated it. Nobody liked to employ these inmates; nobody was glad of having these concentration camp inmates there at any moment.

Q. And that applies to Dr. Durrfeld as well?

A. Yes, of course it does.

Q. You testified that from October 1943 on you were at Auschwitz constantly and that frequently you had previous to that time been there on visits, on short visits. Can you testify under oath and to the best of your knowledge that the management of Auschwitz in general and Dr. Durrfeld in particular did everything that could possibly be done to treat the inmates as humanely as possible?

THE PRESIDENT: Just a moment. That is a most leading question. Please ask your question to leave the witness free to formulate his own answer without having it suggested to him.

Q. I ask you the following, Dr. Bredt: What were the principles that prevailed through the management of Auschwitz concerning treatment of the inmates?

A.- I stated unceasingly and without interruption and I reiterated it again and again and I must do so today, that the management in Auschwitz and that principally Dr. Duerrfeld in particular were incessantly trying to do the best for the inmates in order to alleviate the fate of these people as far as was humanly possible. I stated that -- I said that dozens of times in my interrogation in August to Mr. von Halle, but it was not accepted. Moreover, I want to say that for twenty years I have been working in industry at home and abroad and that at no time I encountered a more decent and more fair colleague than Duerrfeld, and that for that reason alone it is quite impossible I think that he should ever have been negligent in his duties towards the inmates. Mr. Duerrfeld's fairness -- is not doubted by any of his associates.

Q.- Yesterday you made certain statements about the condition of the Farben inmates and you said that they were in a condition in which work could certainly be expected of them. Now I ask you to turn to paragraph 8 of your affidavit and please tell me whether you have anything to add to this section -- subsection under paragraph 8, in view of what you said yesterday?

A.- I want to express here that, of course, for me and for most of my friends it was emotionally upsetting to see some worker who was not free, but that doesn't mean that this unfree worker cannot be expected to work.

Q.- Were inmates in Farben in Auschwitz used only for especially heavy work or were they used generally for all sorts of purposes -- also in offices?

A.- I know quite definitely that the inmates were assigned, just as were all other workers, for every work -- for medium work and for light work. In the field of work under my jurisdiction, in the production line, the inmates were exclusively used for light work. They were engaged in works in certain laboratories, in storerooms, and so on.

Q Did the plant management exert any pressure on the rate or speed of work?

A The plant management didn't exert any particular pressure on the rate or speed of work. Of course, the management had to see to it that work was done, and that all the necessary changes and corrections were taken in the case of inmates, just as were undertaken in the case of French and German workers.

Q It seems actually to have happened at the beginning of the construction that inmates were mistreated by Kapos.

A I said that already.

Q Do you know what measures were taken against this by the plant management?

A I know this very well and one can read that in many documents. After we noticed this, the local construction management approached the SS and told them that that could not continue, that that must not be permitted to continue, and we threatened them with using all means in our power to prevent this. The SS assured us time and again that they would not continue to do that and, on the whole, they observed their promise. Later, only those exceptions occurred, as far as I know, which always happen among human beings, but whenever there were any excesses they punished on the spot.

Q Under paragraph 9 of your affidavit you deal with the transfer of the inmates working in the plant to Camp IV and you say, or rather the affidavit says, and I quote: "Afterwards Farben decided, in the interests of the inmates and with the view to increasing their output, to accommodate them in a special camp." I ask you, were the reasons for this the increasing of the output of the workers, or were there other reasons indicative for this?

A First of all, and this is also the first reason listed there, there were reasons of humane considerations. Every one had the vague feeling that one could be of service to the inmates if one could get them out of this large concentration camp; if one could take them away

from this unknown, uncertain fate that awaited them in the camp; one could get them better food. One had the feeling that one could heat their accommodations with steam from the plant and that one could get them water, etc.

Q Well, Dr. Braus, then I really must ask you, why didn't you write that in your affidavit?

A If one were to read the record of my interrogations one would certainly find what I said just now written down there.

Q Were you ever in Camp IV yourself?

A No.

Q Under paragraph 9 of your affidavit you say.... But you don't say, it is just stated there, and I quote: "One of its difference from the other concentration camps was the density of its population," and I ask you, how can you make such a statement if you yourself were never in Camp IV?

A Counsel, I heard that probably during the conference of main department leaders that this camp had been built for Germans or foreigners, but that people had to be pushed into this camp. People weren't all given the same living space.

Q I now turn to paragraph 11 where you make certain statements about the purchase of clothing by the camp management and the resale to the foreign laborers. The last sentence of this paragraph says: "I considered this immoral." Would you explain to the Tribunal whether you considered this immoral in 1943, for what reasons, and whether you still want to maintain this assertion today?

A At the moment I cannot say what my feelings were about this event in 1943, but I think I have to say this. I personally would have been somewhat loath to accept clothing from inmates.

Q But don't you believe that these foreign workers who received this clothing and who were partly badly clothed were very glad to get them?

A These garments were actually given to those insufficiently clothed workers from the Balkans.

Q I now turn to paragraph 13 of your affidavit, Dr. Braus. Under sub-section 3 you say: "Whether Duerrfeld also procured inmates for other Upper Silesia enterprises, as well as for Auschwitz." Did Dr. Duerrfeld procure any inmates at all or wasn't it rather true that the employment of the inmates had been ordered by highest authority, namely Goering?

A Yes, that was the way it was.

Q How about those other Upper Silesian industrial enterprises that you speak about here?

A I have stated that Dr. Duerrfeld had been given the mission to promote the construction of other industrial enterprises in Upper Silesia as a commissar and besides procuring building material and machines, of course he also had to take care of procuring the workers and in that capacity undoubtedly he undertook the necessary steps with the competent authorities. That was part of his duties.

Q Could he himself make any decisions with the competent authorities or could he mediate only and give recommendations?

A He was only a mail carrier. That is to say he transferred the desires he had or registered the requirements.

THE PRESIDENT: Dr. Seidl, may I call your attention to the fact that we have almost consumed the time we had allotted for the conclusion of this feature of the case. We're going to permit you to conclude your examination, of course, but will you try to abbreviate it as much as possible and get to the substance of things and help us to stay within our allotted time.

BY DR. SEIDL:

I have only a few more questions. Very few.

Q Please turn to paragraph 16 of your affidavit. You say: "Walter Duerrfeld was very ambitious. He dictated the working pace, etc." Did you want to express when you said that that Dr. Duerrfeld was possessed of

ambition that was not proper or do you want to say that he did everything he could for the workers?

A My statement is this. It is true that Dr. Duerrfeld was ambitious, but he had the most decent sort of ambition that I have ever encountered. He never, in disregard of the interests of others, did anything or undertook any action disregarding the rights of others. His ambition, at all times, was possessed of the fellowship spirit.

BY DR. HOFFMANN (Defense Counsel for defendant Ambros):

Q Witness, are you a chemist?

A Yes.

Q Are you an expert on legal matters?

A No.

Q Do you believe that the question as to whether one is a plant leader or not is a legal question or a chemical question?

THE PRESIDENT: Mr. Witness, the interpreters did not get your answer to the last question. Do you have the question in mind that Dr. Hoffmann just asked you?

THE WITNESS: No.

THE PRESIDENT: Will you repeat it, Dr. Hoffmann?

BY DR. HOFFMANN:

Q Witness, I asked you whether you were an expert on legal matters?

A I am not an expert on legal matters.

Q Do you believe that the question as to whether one is a plant leader or not is a legal question?

A That question is certainly a legal question.

Q Then please look at your affidavit and turn to paragraph 5 and then I ask you, how can you assert that Otto Ambros was the plant leader and managing director? Can you still maintain that assertion today?

A When I was first concerned with the Auschwitz question and when I asked the people there who was the plant leader, I was told that that was Ambros.

Q Who told you that?

A I don't know any more who told me.

Q Do you know what legal prerequisites have to be fulfilled for a plant leader?

A No.

Q Do you know that a plant leader must have a confidential council? Do you know that?

A No.

Q Can you remember whether the answer that you were given at the time that Ambros was the plant leader, that that answer was made to you by a person who actually was well informed about these things? Or was that some other person? Do you know who told you?

A Unfortunately I cannot remember this event.

Q When did it take place?

A In 1941.

Q But that's a long year, 1941. What period.

A It was the early part of 1941 at the time when I was called to Auschwitz.

Q In this same paragraph 5 you make certain statements about Duerrfeld as plant leader. It's also paragraph 5. "Managing director is Walter Duerrfeld." You have already been asked whether you still maintained that statement today and, if I understood your answer correctly, you said "No. Duerrfeld was not the plant leader." Is that right?

A He had not been appointed a plant leader but he safeguarded the interests. He conducted the business of plant leader. That arose as a matter of necessity because somebody had to represent the plant, somewhere on the spot.

Q In the beginning of 1941 somebody told you that Ambros was the plant leader?

A Yes, that's right.

Q How can you reconcile these two things? Are you saying now that Ambros was not at all the plant leader?

A Of course not. Ambros was not the plant leader when somebody else represented the plant. Counsel, that was always very unclear who was the plant leader of Auschwitz. That was not definitely fixed. The plant leader proper was to be a chemist and he was to begin operating as soon as the production had reached a sizable extent.

Q I'll revert to that question later on but now I want to draw your attention to page 4 of your affidavit. The last sub-section of paragraph 7, where you call Ambros a man and a Christian. Have you found that spot?

A No, I haven't.

Q It's the last sub-section of the large paragraph #7. It's on page 4.

A Yes, I have it. Yes, I have it.

Q First of all, what is your reason for giving Ambros these attributes? Did you make his acquaintance to that extent?

A I believe that I was able to observe that Mr. Ambros was a good Christian. In order to give an example, I remember that he was very much distressed about the fact that the church in Auschwitz was to be torn down. I know that he was very unpleasantly surprised about the fact that the

little church in Monowitz had been leveled on the construction site.

Q What makes you make this statement that he cooperated so much with the SS? Is that an assumption of yours or is that a fact?

A That is an unfortunate choice of expression. I didn't formulate this affidavit. I must again refer to the records of the interrogations. I certainly said that I cannot imagine that Dr. Ambros was pleased to cooperate with the SS. I think that was impossible because he was a good Christian.

Q How do you explain the fact that in this affidavit there is a certain trend against Ambros in these individual paragraphs? Were you asked particularly about Ambros or does that correspond to your attitude?

A I am completely neutral towards Mr. Ambros.

DR. FLAEBCHNER (Defense Counsel for defendant Buefisch): Mr. President, if I followed the proceedings correctly then the prosecution submitted Document NI 10929 as Exhibit 1994. Since the witness has now told us how this affidavit was procured and since the witness has repeatedly emphasized that the formulation of this affidavit does not correctly represent what his conviction was and what he is convinced to be contained in the records of the interrogation, I now make the motion that this affidavit be stricken from the record.

THE PRESIDENT: That motion must be overruled. The witness has said that he did sign the affidavit, that he was under oath at the time he made it, and that he made certain corrections in the affidavit. That makes it competent evidence here. The weight to be attached to the affidavit in the consideration of the Tribunal will be determined in the light of all the circumstances, including what the witness has testified about the prior interrogation and the circumstances under which the affidavit was written.

The motion is overruled.

MR. SPRECHER: In that connection I was going to raise certain collateral matters.

Point #1, the transcript of the interrogation of this witness has never been transcribed or at least completely transcribed. I have given the

direction that that be done immediately and that will be presented to Your Honors. It is not right that an affidavit is a combination of extracts of an interrogation. It stands pretty much by itself, but in order to get toward what we think are relevant facts, there are prior interrogations. Those will be furnished in this case to this Tribunal as a subsequent exhibit as soon as they are processed. No one is more anxious than we that that be done. That's Point 1.

Now, Point 2, I haven't had a chance to see these interrogations in order to determine whether to recommend to Your Honors that some further action be taken in this matter and I would like to reserve my rights in that connection.

THE PRESIDENT: What do you mean by that?

MR. SPRECHER: Well, if there has been perjury under oath I am anxious,....

THE PRESIDENT: Well now, counsel, let's not say things like that in the court room; that's wholly improper. This Tribunal cannot indulge in any presumptions of that kind and counsel for the prosecution should not say that in the open forum of the court room and to a witness who is on the stand. It's not a matter of intimidating this witness. The Tribunal is only interested in the facts. You may use your own judgment about offering the interrogation. I can only say on behalf of the Tribunal that I think our position is perfectly sound and logical when we permit evidence on the circumstances surrounding an affidavit; that I think you would agree would be proper. Now, there's nothing before us now. We have sustained an objection, or rather, overruled the motion made by counsel to exclude this document from the evidence. It's before the Tribunal and we 'll meet any issues with reference to the interrogation or any other matters when they're presented.

MR. SPRECHER: One further matter, Mr. President. Mr. von Halle and the secretary who took these interrogations are available and we would like to have them examined, either before Your Honors or before the Commissioner.

THE PRESIDENT: Now, the Tribunal has no interest in this thing further other than to consider, receive and pass upon questions as they are presented. The Tribunal is not concerning itself except to rule upon evidence when it is offered. That's our only interest in this subject matter at present.

DR. SEIDL: I wanted to support the motion of Dr. Fleischner and I ask Your Honors to reconsider that motion, if you please, since the witness testified under oath that he was under pressure when he signed that affidavit.

THE PRESIDENT: Well, counsel, we have reconsidered and we repeat the ruling that the motion to strike the affidavit from the evidence is overruled. There is sufficient foundation to make it competent proof. As we said before, the weight that is to be attached to it is to be determined in the light of all the surrounding circumstances. The surrounding circumstances are in the record. The Tribunal will consider them in determining what weight, if any, is to be attached to this affidavit.

You may go on with your interrogation.

DR. SEIDL: Then I want to make one further motion. At an earlier occasion already the defense made the motion of getting the transcript of the interrogations. In view of these special circumstances surrounding this case I now move on behalf of Dr. Duerrfeld that all of the transcripts of the interrogations be made available to the defense which were used in propounding the affidavit, Exhibit #1994.

THE PRESIDENT: We just understood from the prosecution that a transcript of those interrogations had been ordered and would be made available and there's no motion necessary because we're quite sure that you can depend on the representation of the prosecution in open court.

MR. SPRECHER: I understood that Dr. Seidl was asking for all interrogations. I take it that the Tribunal did not so understand.

THE PRESIDENT: We're ruling on this matter and with respect to those

interrogations pertaining to this witness. That's the matter on which we're passing and counsel for the prosecution has said that those transcripts will be available and we would take the prosecution at its word for that as we will take the word of any counsel for anyone presented in open court under those circumstances.

Any further interrogation of this witness.

RECROSS EXAMINATION

BY MR. SPEECHER:

Q. Who was present during these interrogations that took place back in February, witness?

A. Mr. von Halle and his secretary in February.

Q. And the secretary was a German girl was she not?

A. I don't know what descent the secretary of Mr. von Halle was.

Q. Well, all the conversation was in the German language?

A. Yes.

Q. Were you in the prison at the time or were you in the witness house?

A. I was in the witness house. I beg your pardon, I lived in the witness house.

Q. Now, did you.... Were you interrogated every day that you were here during the period you were in the witness house?

A. If you're now speaking of the February period, I had to wait one day and on the second day I was interrogated and, if I remember correctly, I returned back to my home on the second day again.

Q. Did you inform Mr. von Halle or the secretary at the time that you thought you were under pressure in these interrogations?

DR. FLAESCHNER: Mr. President, I consider this type of interrogation inadmissible on these questions. The witness is being asked whether he told the interrogator that he considered himself to have been placed under pressure of the interrogator. That just isn't possible.

MR. SPRECHER: Mr. President, since there are a number of questions which were directed to the witness, both from the Bench and by Defense counsel, concerning these circumstances, I feel that that is a very proper question.

THE PRESIDENT: The Tribunal is not disposed to indulge in restricting the showing of the circumstances surrounding the execution of this affidavit, and that objection will be overruled.

May I say to counsel for the Prosecution, however, in view of the promise that you have made to make available to Counsel and to the Tribunal, - if it rules that it is proper, - the transcript of the interrogation, I am wondering if we are not more or less anticipating matters at this time. Perhaps it would be more orderly and conserve your time as well as ours, if this inquiry was postponed until such time that there is some offer of the interrogation, and go into the matter at that time.

Now, of course, I realize that there is a witness here on the witness stand, and that he is presently available. I am not disposed to want to restrict your interrogation, but it may be that we could conserve time by passing this feature of the case until the transcript is available and see whether anybody is interested in it at all or not.

MR. SPRECHER: May I pass that particular thing then? But as to the circumstances under which the interrogation was conducted, I still have several questions.

Now ---

THE PRESIDENT: Would you mind being interrupted by the recess at this time.

MR. SPRECHER: I would for one reason, for one question, Mr. President.

THE PRESIDENT: Let me say this. I think you understand that we are on a definite one-half an hour takeline here so far as the recording system is concerned.

MR. SPRECHER: Mr. Witness, will you take the exhibit before you, with you during the recess or here, and read it over from beginning to end because I have questions to ask you as to whether or not you have any further additions or corrections you would like to make to it. Will you do that during this recess, please.

THE WITNESS: Yes.

THE PRESIDENT: The Tribunal is now in recess.

(A recess was taken.)

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

MR. SPRECHER: Mr. Witness, have you read through the affidavit during the 15 minute recess?

THE PRESIDENT: Mr. Prosecutor, put the exhibit number in, so it will show on the record.

MR. SPRECHER: The Exhibit is Prosecution's 1994, Document No. NI 10929.

RE-CROSS EXAMINATION

DR. KATE BRUNS

MR. SPRECHER:

Q. Did you read that through during the 15-minute recess?

A. Excuse me, the number is 10929. I did read this through during the recess.

Q. We are speaking of the same document. It has an exhibit number as well as another number. Now, are there any further additions or corrections which you want to make in addition to those you made before?

THE PRESIDENT: In order to narrow this down in a safe time, Mr. Witness, the Prosecutor is properly asking you whether you have any other corrections or additions to make to this document, and I assume that he means beyond those which you made at the time you signed the affidavit, and beyond those which you have specifically enumerated here today. Now, if there are any others, the Prosecutor is affording you an opportunity to say so.

DR. FLEISCHNER: Mr. President, I ask that you please take into consideration whether this is not really asking too much of a witness who had had only 15 minutes to read through a document containing 8 typewritten pages - to ask him to check the correctness. I do not think that I could undertake to do that, if I were under oath, and if I had been told by the other party that they want to draw certain conclusions from the statement that the witness makes. I think that is expecting more than what can be properly demanded of a witness. Also...

THE PRESIDENT: Counsel, perhaps the witness can express his own ideas on the subject. He may be ready to make his corrections, or he

may say that he knows there are none. With all regard for your modesty, it only seems fair to permit the witness to say what he has to say about the subject.

Mr. Witness, I just say to you generally, that you can answer the question as you see fit, and as you think the truth is. You are under no compulsion or restraint or coercion whatsoever when you are on the witness stand before this Court. Now give us an answer as direct and simple as you can, to the question propounded to you by the Prosecutor.

Just a moment, please.

DR. von LETZLER: I object to this question, because in my opinion the Prosecution is not entitled to put such questions during this stage of the examination.

THE PRESIDENT: State your reasons for your views, Counsel.

DR. von LETZLER: Well, I think the witness is not allowed to make corrections and to rectify his statement during this stage of the examination. This is not cross-examination.

THE PRESIDENT: It is not technically cross-examination, but it is re-cross examination. In other words, counsel for the Prosecution here is presently in the capacity of one cross-examining the witness. He has not completed his cross-examination. That objection is overruled, and the witness may answer as to whether or not he has any other corrections to make. If he has not had an opportunity to make them, he can say what the facts are, and speak for himself freely, as long as he observes the oath that he took when he became a witness before this Tribunal.

THE WITNESS: My statement is, this document was not drafted or written by me. I only corrected it, and I do not think that much good could be done if I make some hasty corrections now. In such cases it is always true that whatever has been written by another does not come to represent the proper state of mind of the person who did not write it, no matter how many corrections are made.

MR. SPEICHER:

Now, witness, I am asking you to look at paragraph 1. Point out any

misstatement in paragraph 1, in addition to any corrections you made previously when you read this over before Mr. von Halle, or additional to those you made this morning.

THE PRESIDENT: Counsel. Now, that procedure is apt to be quite time-consuming. I am asking you, just as a matter of the handling of your case, if you can suggest any way that some time can be conserved here without having to go over this affidavit from beginning to end at this time, in view of the fact that the interrogation which has been promised and which has been requested is not presently available. The Tribunal is only concerned here in not traveling the same highway a couple of times. Do you have any practical suggestion that will help us conserve time, because, frankly, we have already consumed as much time as we had expected to give to this feature of the case; but what I am suggesting is, can that matter be put in abeyance until the interrogation is available, and then if it is necessary to go into this subject thoroughly I will afford you an opportunity of doing that?

MR. SPEECHER: Mr. President, we ask that we be allowed to have a special hearing before the Commissioner, in which this witness is present, in which all persons who were parties to the taking of these interrogations are present, such a hearing not to take place until the witness has had a chance to study both this affidavit and the interrogations, and then at that time we go into the whole matter.

THE PRESIDENT: The suggestion of the Prosecution is adopted, with this reservation: The Tribunal will subsequently determine whether or not, having heard a part of this matter, we should hear it all, or whether part of it can be transferred to the Commissioner, but that would not be very significant from your standpoint in either event, we take it. So if you are willing to forego the further cross examination on this subject, we will afford you and Counsel for the Defense an opportunity to present your views about the further proceedings on this matter as soon as the transcripts of the interrogations are available to both sides.

MR. SPEECHER: Mr. President, I have no more questions about our

affidavit, but I have one or two questions to the witness.

THE PRESIDENT: Very well.

BY MR. SPEECHER:

Q. Mr. Witness, Prosecution Exhibits 1984 through 1993 are excerpts from the Auschwitz weekly reports now before this Tribunal. It is known to all of us that they have been available in a certain manner for some time. Before you took the stand to testify this morning concerning conditions in Auschwitz, were you given the Auschwitz weekly reports in order to refresh your recollection as to what the true facts were?

A Yes, the contents of these Weekly Reports had escaped my memory completely, and that isn't surprising after such a long period of time.

Q My question is: Have you read them over in the last several months, or in the last weeks, or in the last days?

A I reread individual copies of these Weekly Reports last night for the first time.

Q No further questions.

REDIRECT EXAMINATION

DR. PAUL BRAUS.

BY DR. SHIELD (Counsel for defendant Daerrfeld):

Q I have only two questions to put to you, Dr. Braus.
Who made these Weekly Reports?

A Mr. Faust, the construction manager.

Q Do these Weekly Reports represent the opinion of the construction management, or are they the private opinion of Mr. Faust?

A The private opinion of Mr. Faust.

MR. SPENCER: Just a second. I don't think there is any foundation laid for that question at all.

THE PRESIDENT: These documents speak for themselves, and at most the question propounded to the witness only calls for an opinion that is not the subject of the opinion of an expert.

Objection is sustained.

DR. SHIELD: I have no further questions.

THE PRESIDENT: Now, Counsel, is everyone through with the examination of this witness for the time being, in view of what the Tribunal has indicated? Then, Mr. Witness, you are, for the time being, excused from further attendance, and the Marshal will escort you from the box.

(Witness excused)

Dr. Flaechner, does this conclude for the time being the presentation of your case?

DR. FLASCHNER (Counsel for defendant Buetevisch): Mr. President, as far as presentation of my case before the Tribunal is concerned, I have finished. I have been granted the witness Steinbrinck, whom I might examine before the Commissioner, but I perhaps, can waive that too. I shall decide that in a little while.

THE PRESIDENT: We understand, of course, also, that you made a reservation with reference to some documents that you may wish to present.

DR. FLASCHNER: Yes, Your Honor.

DR. SIMERS (Counsel for Defendant von Schnitzler): Mr. President, you had permitted that the witness Dr. Flick be now interposed between the defense of Buetevisch and Haefliger. I should be grateful if he could be called now.

THE PRESIDENT: The Marshal may bring in the witness Flick.

DR. LEUMER (Counsel for defendant Mann): Mr. President, may I utilize this short recess to make the motion on behalf of the defendant Mann that he be excused from attending sessions this afternoon for the preparation of his defense?

THE PRESIDENT: That request is granted.

(FRIEDRICH FLICK, a witness, took the stand and testified as follows:)

THE PRESIDENT: Mr. Witness, will you please remain standing for the purpose of being sworn as a witness? Raise your right hand, say "I", and state your name for the record.

WITNESS: I, Friedrich Flick....

THE PRESIDENT: And now please repeat after me the oath:swear by God, the Almighty and Omiscient, that I will speak the pure truth and will withhold and add nothing. (The witness repeated the oath).

You may be seated.

DIRECT EXAMINATION

FRIEDRICH FLICK

BY DR. SIMERS (Counsel for defendant von Schnitzler):

Q Dr. Flick, please give us the date of your birth.

A I was born on 10 July, 1883.

Q May I ask you to outline your professional career, briefly, especially with reference to your industrial position in Germany, since that is of importance for my purposes?

A After I graduated from a Realgymnasium and after I passed my commercial apprenticeship and performed my military service, I studied at the Commercial University in Cologne. Immediately after receiving my diploma, in 1907, I became a Procurist, and in 1913 I became a director and a regular member of the Vorstand of a foundry. At the beginning of 1916 I took over the management of the Charlottenhütte, and in 1917 I became the Director General of this company.

The Charlottenhütte, in which I acquired decisive influence because of property that I acquired in the course of time, developed, from the comparatively small sector, in subsequent years to a considerable enterprise of German heavy industry. I can add that the Charlottenhütte, which was the starting point of my industrial career, was merged in 1926 with the Mitteldeutsche Stahlwerke, which I had founded.

The development to a large enterprise of coal and steel industry was essentially - in its foundations - completed in 1930. I assume that further details are not of interest here, but I might add that I was politically close to the Deutsche Volkspartei lost more and more ground, my relations to this party became more loose. From that time on my political connections were essentially confined to the German Democratic Party (Deutsche Demokratische Partei), also called State Party (Staatspartei). I was connected also with the Central Party (Zentrum) and on the fringe somewhat connected with the German Nationalist Party (Deutschnationale Partei), being well known to Hugenberg because of business relations I had with him.

Q Mr. Flick, would you please name a few of the most important firms that belonged to your concern?

A The holding company, the uppermost company, was the Friedrich Flick-Kommandit-Gesellschaft, which I had founded; it had a two-fold

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function: it was a production enterprise on the one hand and a holding company on the other. We had the Mitteldeutsche Stahlwerke, the Eisenwerke-Gesellschaft Maximilianshütte. There was the Saechsische Guetahlfabrik in Döhlen, and the Hochtiefwerk Luebeck. That was our iron business.

MR. SPACER: Just a minute, Mr. President, we make an objection. We don't see the relevance of this long recitation of the case of Dr. Friedrich Flick.

DR. SIEMERS (Counsel for defendant von Schnitzler): Mr. President, may I answer this briefly? In the indictment, in the trial brief, and during the presentation of the documents statements have been made about the events around 1933, the support given to Hitler, particularly by Farben. And in that connection it might be of significance to explain my later questions, what approximate proportion these enterprises had to each other. And that is the reason why I want to give a very short survey, which will very soon be concluded. It would have been concluded if Mr. Sprecher had not interrupted me.

THE PRESIDENT: Very well. We might regard the questions as preliminary, but I am sure that counsel realizes that such a field should not go too far. The witness may complete his answer, if he was not through enumerating his companies.

BY DR. SIEMERS:

Q.- Dr. Flick, confine yourself, please, to the largest firms.

A.- I didn't understand you.

Q.- Mr. Flick, please confine yourself to the largest firms.

A.- I have almost finished anyhow. On the coal side of our enterprise there was the Radener Bergbau, including the Essener Steinhohle and the Anhaltische Kohlenerwerke. Then there were a few firms for the processing industry, as it was called, but I don't have to enumerate them, because they were not of much importance.

Q.- Dr. Flick, at what time had your concern reached its largest proportions in Germany?

A.- That was around 1930, probably.

Q.- One more preliminary question. Were you a member of the National Socialist German Workers' Party — the NSDAP?

A.- I became an ordinary member on the first of July, 1938, and I remained a member. I joined at the repeated urgings of prominent Party functionaries.

Q.- Were you the largest private enterprise in Germany? And what other concerns were larger?

A.- It is contended variously that I was the largest, but I don't want to accept that opinion at all.

Q.- What was your personal attitude or that of your enterprise towards Farben?

A.- I can understand only with great difficulty. I cannot hear.

Q.- What was the attitude of you personally, or the attitude of your enterprise, toward I.G. Farben?

THE PRESIDENT: Just a moment; will someone please check the witness's earphones?

(Delay due to mechanical difficulties)

Q.- I repeat my question, Dr. Flick. What was your personal attitude or the attitude of your enterprise towards the I.G. Farbenindustrie A.G.?

A.- As for my relations with Farben, unfortunately I cannot say that they were very harmonious. In the current business there were almost no relations between Farben and my enterprise. Most of the defendants I did not know personally at all. The position was different in questions of more importance, and especially in the case of certain transactions where there was considerable tension between Farben and my group; unfortunately I must say that there were even arguments.

Q.- Can you give a few brief examples, in what fields there were disputes?

A.- Yes, I could do that. There were differences when the nitrogen syndicate was extended in 1930. There were considerable differences of opinion during the return to private ownership of the steel concern in 1936. Very great differences of opinion and disputes arose in 1938 in questions relating to soft coal. That is what I remember at the moment.

Q.- That is enough. You know that the Prosecution has charged that Farben conspired with Hitler and the rest of industry to plan and prepare

were of aggression and that Farben and Dr. von Schnitzler had known Hitler's plans of aggression and that they had approved them. In the scope of the presentation of evidence by the Prosecution, they mentioned a few examples, for instance, the participation of industry in events in 1932 and 1933. In that connection I want to put a document to you, Exhibit 32.

THE PRESIDENT: Pardon me, counsel. Do you mean by that Exhibit 32 of the defendant von Schnitzler, or is this a Prosecution Exhibit?

DR. SIEMERS: No, this is a Prosecution exhibit, Prosecution Exhibit 32, a document from volume 3. I asked the Secretary General to submit Volume 3 to the Tribunal. This is on page 48 of the English and page 68 of the German. This is Document 3901-PG, Exhibit 32. This is a letter to the then Reich President von Hindenburg, which has been discussed in this courtroom before. This seems to have been signed by a number of industrialists, according to the mimeographed copy. According to the photostat, it isn't signed at all but merely bears the name of many industrialists on an appended sheet; they may have signed, but we don't know whether they did. In this letter, bearing date of November, 1932 (the day is not indicated), the Reich President is asked to form a cabinet on a broad basis. The Prosecution offered this document to show that all of industry, including Farben, asked the Reich President to commission Hitler with forming a cabinet.

MR. SPRECHER: Mr. President, we object to this. We have had a long lecture from Dr. Siemers about documents and about the Prosecution's intention. We suggest that he get to some questions.

THE PRESIDENT: Very well. We will ignore what counsel for the Defense has said as to the Prosecution's theory. That may be regarded as out.

Ask your question now, counsel, and let us get to the meat of this thing.

BY DR. SIEMERS:

Q.- Dr. Flick, please look through the names of those industrialists;

you have had an opportunity to look at them by now.

Is there anyone from Farben listed among these industrialist, particularly any one of these defendants?

A.- I don't find any such name.

DR. SIEDERS: Mr. President, I had to ask Dr. Flick about this document. However, in order to expedite proceedings, I want to move that Exhibit 32, Document 3901-PS, be stricken from the record. I don't think that the Prosecution has the right to submit a document which has nothing to do with Farben. The witness has confirmed that none of the Farben gentlemen are included on the list and none of the defendants.

THE PRESIDENT: Counsel, if this document has nothing to do with Farben, it is not going to injure any defendant. However, it is just possible that on some corollary or incidental theory it might have some significance. You have shown to the Tribunal by this witness that in his judgment no one of these defendants or anyone connected with Farben signed this document. It certainly could not injure you, and your motion will be overruled.

DR. SIEDERS: Mr. President, in order to explain my motion, I want to say that I merely made it because I objected when the document was originally offered, and the final decision was postponed because the Prosecution wanted to be given an opportunity to show not only the probative value but also the manner in which it was connected with Farben. That was in August, 1947, but up to this day the Prosecution has not undertaken anything in that respect.

THE PRESIDENT: Well, counsel, it is a matter of small import. If the record shows that the Prosecution promised to connect this document with the defendants, or some one of the defendants, and have failed to do so, then the document does not constitute any proof against any defendant. However, we shall not take the time now to search the record at this time to see whether or not there is some evidence somewhere along the line

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that incidentally may have this document competent.

We have taken a very broad attitude. We have permitted under certain limitations the introduction of newspapers, books, and a great deal of material that might not have any very direct bearing upon the issues. But we will overrule this motion with this observation: that if it is not by the record connected with some defendant, it will have no consideration at the hands of this Tribunal.

Q. Dr. Flick, since the document formally remains in evidence, I want you to tell me who is the Bosch who is contained on this list?

A. Robert Bosch is the well known manufacturer of automotive parts in Stuttgart.

Q. Then it is not that Mr. Bosch who was in the management of Farben?

A. That was Carl Bosch.

Q. Who is the Mr. Silberberg, who is mentioned in this list?

A. Silberberg was at the time a prominent person in the Germany economy. He was chairman of the Aufsichtsrat of a large number of important industrial enterprises. He was the chief of the Rheinische Braunkohle in Cologne, the German Bank (Deutsche Bank) in Berlin, etc., and he was also president of the Chamber of Commerce in Cologne.

Q. Do you know his political attitude?

A. Yes, I think I know it very well, since I was well acquainted with Silberberg. When the Mitteldeutsche Stahlwerke were founded in 1926, Silberberg became a member of my Aufsichtsrat, and I was a member of the Aufsichtsrat of his company; until 1933 I was the largest shareholder in his company, and from that relationship very far-reaching connections developed.

I don't know his party affiliations, but I believe that politically he stands somewhere between the Democratic Party and the German People's Party. He couldn't very well be an adherent of National Socialism, because he was a full-blooded Jew.

Q. Are there any other industrialists on this list who could not be classified as definite National Socialists?

A. I believe so.

Q. Can you explain -- excuse me; I have one preliminary question. Did you see this letter at the time?

A. I can't remember to have seen it. I don't believe I did.

Q. Can you explain why, for instance, Mr. Silberberg -- wanted to support Hitler by signing this letter as the Prosecution?

MR. SPEECHER: I object in the first place to the form of the question; but, more basically, unless some basis is shown for this witness testifying concerning this document, a further basis than has been shown so far by the qualification of the witness by Dr. Sienore, I make objection to the entire line of questioning.

THE PRESIDENT: Now, counsel for the Prosecution, you perhaps heard the observation made a moment ago, for which I have no independent recollection at this moment, that objection was made at the time this document was offered by the Prosecution and the Prosecution promised the Tribunal to connect it with Forben or the defendants. We haven't troubled you about it, but this might be an appropriate place for you to say whether or not you do have evidence connecting this document with the defendants. If you do not, you say as well so state, and we will save a lot of time on the cross examination. As long as the document remains in, within reasonable limitations the defense is entitled to cross-examine about it. That is the fact?

MR. SPEECHER: I am only addressing myself to the question of what is reasonable limits of examination. Let me say that I don't believe Mr. President, that any foundation has been laid so far for asking this witness about it, and that was my objection.

THE PRESIDENT: We will pass on it in a moment. I am addressing a question to you. What does the Prosecution say? Do you connect this with any of these defendants or with Forben as a whole?

MR. SPEECHER: Well, I think that this document is before Your Honors in the decision of the International Military Tribunal in an abbreviated form, and perhaps we, in our effort to lay before you the circumstances under which Hitler came to power, put in a document which we could have omitted, in view of the decision of the IMT con-

cerning these matters, but we thought that this document, which does not contain the name of any one of these defendants, would be of assistance to you in acquiring a view and an understanding of what happened in 1932 and 1933. If Your Honors are in a position now; on the basis of your understanding of the whole record, to strike this, all right. We feel that it is a helpful element to you in making up your entire decision.

THE PRESIDENT: There are just two things I would say about that. In the first place, the fact that it may have been in evidence before the IIT does not make it necessarily admissible here. That might answer something so far as authenticity, but certainly not as to materiality.

Counsel for the defense has said — and we accept that unless it is challenged—that at the time the Prosecution offered this document it was objected to by the defense and that it was admitted by the Tribunal upon the promise of the Prosecution to connect it with Forben as an enterprise or one or more of these defendants. We are going to afford you an opportunity at this time to say to this tribunal in open court as to whether or not you have in the record evidence that accomplishes that result. If you have not, the Tribunal will strike the document and save the time that otherwise would be consumed by unnecessary cross examination.

MR. SPEICHER: Well, I have no further statement to make than the statement I have made. I think that this is an essential part of German history which involved many of the economic leaders of Germany. If that is not helpful to Your Honors on that basis and upon that statement, then I think you should strike it.

THE PRESIDENT:

THE PRESIDENT: The Tribunal is under the impression that there is enough background and historical data in this record without this document, and, in view of the representations and statements that have now been made to the Tribunal, the Tribunal of its own motion strikes from the record of this case the Prosecution's document, Exhibit 32, and it is not the subject of any cross examination.

Q. Dr. FLICK, evidence has been presented for Aggressive War, Count I of the Indictment, in particular the participation of industry and Farbon in donations for the National Socialist Party, I want to ask you something about the meeting of prominent industrialists on 20 February 1933.

Were you present at that meeting?

A. Yes.

Q. Was Dr. von Schnitzler also present?

A. Yes.

Q. I want you to tell me, first of all, what brought this meeting about and where it took place.

A. At the end of January 1933 Hitler, as the representative of the largest party, was commissioned to form a cabinet by President von Hindenburg and was appointed Reich Chancellor. Approximately in the middle of February 1933, I received a telegram I remember the contents very well, almost literally. It read approximately as follows: "INVITE YOU URGENT CONFERENCE Such and such a date and hour IN THE PALACE OF THE PRESIDENT OF THE REICHSTAG (signed) GOETTER, PRUSTIAN PRIME MINISTER."

Q. Did you go to Berlin for this conference?

A. Yes. Well, I didn't go to Berlin, but I participated, in the conference. I lived in Berlin. I can add that there was no agenda given in the telegram.

Q. Dr. Flick, before 1933 did any Democrats or Social Democrats or Central Party members of the Reich government invite you to participate in meetings at which you didn't know the subject to be discussed previously?

A. Certainly; that happened frequently.

Q. In previous cases, did you comply with such invitations?

A. I believe that in all cases I did comply.

Q. Can you give us any examples from the years immediately preceding 1933?

A. I was invited to participate in a considerable number of conferences by the then Reich Chancellor Brüning, by Stresemann, when he was Reich Chancellor and also when he was a foreign minister. I was invited by the Reich Chancellor von Papen, also by ministers Grotius, Dietrich, Hilferding, Reinhold; and at one time I was even invited by Reich Chancellor Hitler. These are a few names of persons that I remember at the moment.

Q. Did you know the agenda in such cases?

A. Partly I did and partly I didn't.

Q. One question: what party was Hilferding a member of -- whom you have just mentioned?

A. He was a Social Democrat. He was a member of the Social Democratic Party.

Q. What was the subject discussed at such conferences with members of the government before 1933?

A. Generally we were concerned with questions of economy, of politics, and also, in that connection, with elections if there was an election imminent; then such questions were also discussed; but, for the most part, they were of an economic political content.

Q. Were some or many industrialists invited to participate in such discussions before 1933?

A. I believe so. I know, for instance, that in his working schedule Brüning had reserved every Friday for conferences with industrial leaders.

Q. Did such conferences between industrialists and government members take place more frequently before 1933 or more frequently after 1933, with the members of the National Socialist government?

A. Undoubtedly, much more frequently before 1933. Over a few years I was more often together with Brüning and Stresemann than I was with Goering in 12 years. Stresemann I met in a circle of four persons, and we spent a whole day in Cologne to discuss political and economical questions. That never happened again afterwards.

Q. Do you remember a specific discussion that took place with von Papen while he was Reich Chancellor, before 1933?

A. Yes, I can remember that.

THE PRESIDENT: Now, Counsel, within reasonable limitations the Tribunal has permitted you to show that there were meetings of this general character before 1933 and the general character of such meetings; beyond that we are unconcerned with them. They are properly some background to show whether or not the meeting of 20 February 1933 was unusual or out of the ordinary or whether there were precedents for such things in Germany; but, otherwise, we are wholly unconcerned with those other meetings, and I think you may abbreviate considerably the testimony relating to background.

DR. SIMERS: I perfectly agree with your Honors' opinion, and I ask your indulgence. I was led to do this because of the exaggerated importance that the Prosecution attached to this meeting of February.

Q One question in conclusion, Dr. Flick: during the conversation with von Papen were donations discussed also?

A Yes, every one of the participants pledged a considerable amount.

Q I now come to the decisive meeting. How did this conference take place in the Palace of the Reichstag president on February 1933, to which Goering had issued telegraphic invitations?

A I found Goering and Schaefer present, surrounded by a large number of industrialists, approximately 30 or more.

Q Did you know all those industrialists?

A A large number of them I didn't know.

Q Can you give us a few names of those present?

A Yes, Herr von Schlen, the head of Krupp, Dr. Voegler of the Vereinigte Stahlwerke, Spring-Cohrus from Hoechst, Mr. Dengelmann for the anthracite interests, Mr. Buehren for soft coal, a representative of the Siemens concern, Herr von Loewenstein for the Mining Association (Bergbau Vereinigung), and then there were two representatives of Farben; one of them was Mr. von Schnitzler.

Q Can you remember the second gentleman from Farben who was present?

A I believe it was Dr. Stein, the director of the Augusta Victoria Mine.

Q You also mentioned Dr. Schacht and various branches of industry. Was the chemical industry otherwise represented, and was other industry represented?

A Yes. When I gave you these names just now, that doesn't mean that they were the only representatives of industry who were present. The reason I gave you only those names was because I happened to know these people personally and because their names were familiar to me. That doesn't change the fact that other industries were also represented. It would have been an erroneous impression if you were to conclude from that that only heavy, chemical and electrical industries were represented.

Q Do you remember whether the machine and textile industries were also represented?

A Yes.

Q What took place at this meeting?

A It was presided over by Goering, and Schacht had a co-chairmanship of this meeting, so to speak. While we were standing around in little groups, Hitler appeared. He apparently was not known to the majority of the people present, because most of them had to be introduced to him. Then Hitler gave a lecture, a speech of general economic -- political or almost predominantly political content. As far as I remember this speech at all, I remember that he dealt to a great extent with the question of Bolshevism and Communism, and I remember that he commented on the question of maintaining private enterprise, that he was absolutely in favor of it, and that in that connection he also made certain statements about inheritance law; and at the end he also, of course, dealt with the imminent Reichstag election. That generally is what I remember of the points of his speech.

Q Do you remember whether he also discussed the relationship between the industrialists and the workers?

A I believe that he did and also that he mentioned doing away with unemployment. For, after all, the great unemployment was the motivating factor for the revolution of this critical period of '31-'32.

Q Did Hitler in his speech request the industrialists to contribute any money?

A I don't believe he did that himself. I don't remember that.

Q Did it appear to you and to the other industrialists that the ideas expressed by Hitler were reasonable — the way he expressed them at this time?

A Industry in General, had been very skeptical towards Hitler up to that time, but the ideas of his speech in February 1933 had a very calming influence. That was probably the reason why, at the end of this speech, the head of the House of Burgs, Herr von Bohlen, made a short reply which was an acceptance of the ideas that Hitler had expressed. It was short, and he said approximately that industry approved the ideas expressed in general if the government took reasonable measures.

Q Dr. Flick, this sounds as though it was quite reasonable, what Hitler expressed, from an economic-political point of view. However, the Prosecution says that in his speech Hitler expressed his treasonable idea of seizing by force if he couldn't get it any other way. Was there anything treasonable said during that speech?

THE PRESIDENT: Mr. President, I seriously request the Tribunal's attention to the preliminary remarks by Dr. Siemars, and I invite you to assist in locating this objection — and other examinations as well which have been of similar character — from of these provocative remarks and remarks which are constantly full of insinuation which make it necessary for us to reply. I have hesitated several times, this morning already to comment on some of Dr. Siemars's other remarks.

THE PRESIDENT: Well, the Prosecution is correct. Dr. Siemars, nothing is accomplished by the injection of your own construction of the theory of the Prosecution or what the Prosecution is undertaking to establish or what it has even said.

As much as you can, refrain from that, on the other hand, the Prosecution need not be unduly disturbed about the fact that it does not object when those things are made, because we will ignore them anyway. It takes time to say that, it takes time for the Prosecution to object and it takes time for the Tribunal to pass on them. Just as much as you can, refrain from that. State your question directly, and we will get along.

DR. STEINER: I beg your pardon, Mr. President, I wasn't quite clear. It wasn't my opinion; it was a quotation from the indictment, I was of the opinion that I certainly would be permitted to quote from the indictment in order to clarify things for the witness. Well, I will put it differently, Dr. Flick. Did Hitler in this speech ...

THE PRESIDENT: There is no impropriety in your quoting from the indictment, and if you say that is in the indictment we will certainly not take time to find out. If it is in the indictment it is proper; if you have oversteered and it is not in the indictment, we will ignore it -- so go along.

DR. STEINER: Then may I remark that it is a quotation from the indictment on page 10 under paragraph 15, reader: "Hitler declared his reasonable purposes to seize power by violence if he failed to win it by votes."

Q Dr. Flick, did Hitler present a reasonable intention during his speech?

A I don't remember that. He was already in power and had gained power, in a legal manner.

Q. What happened subsequently in this meeting, after Hitler had delivered his speech and after Krupp had delivered his short answer?

A. Then Goering said a few words, and then the industrialists present were requested to participate in an election campaign fund which would be used on behalf of the coalition parties -- that was the National Socialist Party and the Deutschnational Partei (German Nationalist Party). That request was seconded by Dr. Schacht, and I remember that the expression was used: "Now open your pocketbooks, gentlemen."

Q. Dr. Flick, was Hitler still present when that was said?

A. No.

Q. What did the industrialists say when they were asked to hand out money?

A. Apart from the statement of the head of the house of Krupp, who made a statement for all of the Ruhr industry, I remember only that the Farben people expressed opinion. They requested that the monies that were going to be collected for the election should not be distributed to the only two coalition parties -- National Socialists and German Nationalists -- but that the Deutsche Volkspartei (German People's Party) also be included in the distribution of the election fund money.

Q. You said that Dr. von Schnitzler and, as far as you remember, Dr. Stein were present for Farben.

A. Yes.

Q. Who suggested, on behalf of Farben, that the German People's Party benefit from the distribution of monies?

A. I believe that both gentlemen thought so but that Dr. von Schnitzler made the suggestion; I recall that fairly well since I was standing right next to von Schnitzler.

Q. What was the reaction of the industrialists and what was Goering's reaction to this suggestion of Farben that the People's Party participate?

A. The industrialists consented, but Goering was embarrassed by this motion. He was not very enthusiastic about it because the German

People's Party was not very well liked by the National Socialists. They were on their bad books. But since the industrialists didn't make any objections to Farben's suggestion, Goering had to agree to it, and a resolution to this effect was passed.

Q. Did Goering demand a certain amount at this meeting?

A. Yes, three million marks.

Q. What happened then? Did the industrialists all sign? Did they pay then, or did they pay at a later time? How was this handled?

A. Only the head of the house of Frum himself fixed the amount of money they were going to pay. I believe he said one million marks. The other amounts, as far as they were announced at all during the meeting, were not announced publicly, and most of those present said that they would first have to discuss this question at home and that they would only then be able to make a definite commitment.

Q. Do you still remember who was to receive the money?

A. I believe that it was to be paid to Schacht.

Q. Farben gave 400,000 marks. How much did your concern pay?

A. We paid 200 - 250,000 marks for the coalition parties, and afterwards 30,000 marks to the Central Party.

Q. On page 11 of the indictment, it reads, "Farben promised to comply with Hitler's request with a gift of 400,000 Reichmarks -- the largest contribution which any individual firm promised as a result of this demand." If you gave 200 or 250,000 marks and Farben gave 400,000 marks, then I would like to know from you whether Farben's contribution, as compared with your own, was very high. I ask you please to take into account the respective size of these enterprises.

A. Measured by our contribution and on the basis of the size of both firms, Farben's contribution was very modest and very small.

Q. You say altogether that three million marks were paid by industry. Was that a lot of money or was that little money?

A. I don't know how much an election costs.

MR. SPEECHER: Just a minute. We object.

THE PRESIDENT: The objection is sustained.

BY DR. SIMERS:

Q. Dr. Flick, how much did you contribute to the election campaign funds in 1932?

A. As far as I can say that now from memory, somewhere between 1.3 and 1.5 million Reichsmarks, and certainly one million marks of this was intended for the election of the Reich President in 1932.

Q. What election was that?

A. That was Hindenburg's election, where he ran against Hitler.

Q. To whom did you give this one million?

A. I gave it to Hindenburg's campaign fund.

Q. Do you know whether Farben contributed any money to this Reich presidential election where Hitler ran against Hindenburg, and to whom?

A. I learned this by chance.

Q. Can you tell me what it was?

A. On the occasion of a later conversation between the vice-chancellor of the Brüning government, Dr. Dietrich, and myself as to the contributions to the Hindenburg election in 1932, I was told that next to my group Farben had contributed a very considerable amount to this election campaign.

Q. In whose favor?

A. Hindenburg.

Q. Dr. Flick, this is in contradiction to the Prosecution's contention that Farben had already supported Hitler before his seizure of power. Can you explain that?

MR. FASCHER: Mr. President, in my view, and I respectfully request your attention to this matter, it is not either proper or necessary for the attorney to attempt to compare what the indictment or what the brief say with some other facts to which the witness has testified, and then say "Now, let's have your explanation". Can we have some questions

which call for facts in connection with what the witness knows about a relevant topic and without the preliminary instructions?

THE PRESIDENT: Well, the proper approach to that subject would have been, it seems to the Tribunal, to ask the witness directly as to Farben's part in the support of the Nazi Party or Hitler before the Party came into power. Now as to whether or not that conforms with the Prosecution's view will be a problem that the Tribunal will solve in due course. Just ask the question directly.

BY DR. SIEMERS:

Q. From your knowledge, did Farben support Hitler already before his accession to power?

A. I heard nothing of that.

Q. Do you know anything about Duisberg's attitude? Did he maintain direct contact with Hitler or with Hindenburg?

A. Certainly with Hindenburg. I know that because in connection with the presidential election in 1932 he was at a reception given by Hindenburg. I was told so, at least.

Q. What party was Farben mostly connected with before 1933, politically?

A. Farben was generally considered a typical democratic organization affiliated with the Democratic Party.

Q. Do you know how individual leading persons in Farben were oriented politically before 1933?

A. I believe there can be no doubt about Bosch's attitude. He was a member of the Democratic Party.

Q. How about von Schnitzler?

A. Since he spoke up for the German People's Party at the meeting, I might classify him as a member of that Party, but I cannot be quite sure about it.

Q. How about Duisberg and Geheimrat Schmitz?

A. I assume that they stood between the Democratic Party and the German People's Party.

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Q. Mr. President, may I suggest that this might be a good time for the recess?

THE PRESIDENT: The Tribunal will rise until one-thirty.

(The Tribunal adjourned until 1330 hours.)

(The Tribunal reconvened at 1330 hours, 12 March 1948).

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may continue.

FRIEDRICH FLICK - Resumed.

DIRECT EXAMINATION - Continued

BY DR. SIEGERS:

Q. Dr. Flick, before the recess you were describing Farben's attitude before 1933. What can you tell me about Farben's attitude after 1933?

A. Generally speaking, I say now that Farben was at no time considered as a concern which was close to National Socialism; at any rate, not in industrial circles. If after 1933 the economic management of the country used the service of these industrial concerns because they were needed, this still does not change the fact that the inner attitude of the Party was against such concerns. This was the basic attitude of the regime.

Q. Was that Hitler's personal opinion too?

A. From my own experience, I can say nothing about that; however, I can't imagine that the official economic policy was in any way very different from his personal attitude. The regime's attitude against concerns was expressed in particular in cases where the concept of a concern, which in itself is not very clear was connected with the special characteristic of being anonymous, as it was the case with Farben.

All of this economic policy opposed to concerns was extensively expressed in legislation too; for instance, in the field of tax legislation. I might mention the tax exemptions granted in order to effect a changeover of capital companies called "juridical persons" into personal companies, where there was at least one of the entrepreneurs or owners. In this respect the entire development was directed to the disadvantage of the concerns; in particular, the so-called anonymous concerns. This was the attitude which I just described. It could already be determined before National Socialism came into power. I

(The Tribunal reconvened at 1330 hours, 12 March 1948).

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THE PRESIDENT: You may continue.

FRIEDRICH FLICK - Resumed.

DIRECT EXAMINATION - Continued

BY DR. SIEMENS:

1. Dr. Flick, before the recess you were describing Farben's attitude before 1933. What can you tell me about Farben's attitude after 1933?

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remember that my associate, Steinbrack, who in 1932 became a member of the so-called Keppler Circle, immediately received a request to work out some sort of a memorandum which was to serve the prevention of the formation of concerns. I may add that Kranzfeld, who was close to Himmler, stated to me in 1940 that concerns would have to be dissolved as soon as the time was ripe.

In summary, I might say in relation to that subject, that as a consequence of this attitude expressed by the National Socialist regime against anonymous large scale concerns, Farben had to consider itself threatened, and arising purely from the interest of their enterprise, in fact and inwardly had to be opposed to the regime.

Q Thank you very much, Dr. Flick. One more question: You were saying that you couldn't definitely tell us about Hitler's attitude towards this problem of concerns. Didn't you get any further idea because of the conversations between Keppler and Kranefuss, about which you spoke? What was Keppler's position?

A Keppler was Hitler's economic advisor before 1933 and a number of years after 1933 too. It is hardly imaginable that Keppler would be of a different opinion concerning that important question from his own immediate superior Hitler. Kranefuss was a good friend of Keppler and played a particular role in the so-called Keppler Circle, which was later called "Himmler's Circle of Friends", and it is from him that these utterances originate dating to 1940. He said that the program of the SS at least, was the dissolution of the concerns and I may add that Goering himself had formed a concern - the Reichswerke Hermann Goering, - and that was "the temporary obstacle," as Kranefuss expressed it.

Q Thank you very much. That will suffice. Do you know something about the attitude of the ministries and Party agencies towards Farben?

A I think that Ministries and Party agencies cannot be thought of in the same sense in that respect. Regarding the Ministries, I must say that Reich Minister of Economics Funk, who, contrary to most other prominent people in the Party, on the basis of his former activity as Economic Correspondent, had actual insight into the German economic structure on a broad basis. On the whole, he was a reasonable man, holding liberal views. However, he was not a strong man and he could not assert himself against the stronger forces of the Party and SS. The Party and the SS agencies, however, remained adamant in their attitude opposing concerns. Funk, during the war, also adopted the policy of opposition against any expansion of concerns. He did that through decrees, directives, and regulations which partly had only an internal character and were not expressed towards the outside by way of publicized legislation. For instance, a Ministerialrat at the Ministry of Economics told me at one time that there was an internal directive that smaller enterprises were

to be given preference, as compared to Farben. In this connection, I could perhaps briefly describe an experience I had with the Reichsstatthalter Mutschmann was one of the oldest Gauleiters and had a very good reputation with Hitler. One day, he told me, on the occasion of a lengthy conversation about economic political questions and I quote: "I am in favor of the maintenance of private enterprise, however, with one exception: Farben must be nationalized."

Q Dr. Flick, I am coming back to the question of the Election Fund of 1933. Could one of these prominent industrialists refuse to attend this meeting which was called by Goering?

A He could do that, if he did not consider the consequences, but, naturally, he would have regretted it. As I said, I and I think that also held true for other industrialists, or, at least, for many was frequently called to attend conferences and meetings held by the preceding government. If now, the same industrialist, had not followed a call of a prominent member of the new government, of the Prime Minister, that would certainly have been considered as an open affront.

I could give you an example: When the well known big industrialist Fritz Thyssen at a later date did not obey another telegraphic invitation by Goering to attend a Reichstag - meeting, and when, as a result of the danger which he brought upon himself by that action, he had to visit Switzerland and stay there for a while, all of his property was confiscated. Then they later succeeded in getting hold of him in 1940 in some foreign country, he was sent into a concentration camp where he was only liberated by the Americans.

Q Could the present industrialist in any way refuse to participate in the Election Fund? In other words, could they withhold contributions?

A I think that the same applies to this question what I explained before. In this connection, however, one more fact is of considerable importance. Those enterprises which, during the preceding years, that is to say, 1932, were politically active in an Anti-Fascist sense by supporting those Parties who were opposed to the seizure of power by the Nazis,

they, after the seizure of power, had become an accomplished fact, certainly had to consider themselves as being incriminated and compromised, and Farbon belonged to one of those enterprises, because, as I already stated, they supported Hindenburg's election when he ran against Hitler. If the dictatorship at that time, at the beginning of 1933, was not as drastic as it developed later, we still had enough proof at the time already that dictatorship was actually in existence and there were sufficient indications which pointed to its further development.

In summary, let me state that Farbon was considered with a great amount of suspicion and it was already incriminated because of the payments it made in 1932. Therefore, such a concern could not have afforded, after the seizure of power had become an accomplished fact, to oppose National Socialism and to refuse making any payments in the instance under discussion now.

Q. Thank you very much. You said that the dictatorship became more drastic at a later stage. Can you give examples, according to which at this later period prominent industrialists opposed the Party or National Socialistic ideas and thereby became subject to danger?

JUDGE KERNER: Dr. Siemers, I hesitate to interrupt your examination but I do want to make one simple observation of fact. You have consumed approximately one quarter of the trial day which the Tribunal allotted to you for the presentation of outstanding matters and I think that only you can be the judge of whether or not pursuing this line of testimony, in view of what is already in the record is of sufficient importance to warrant using up your time in that fashion.

DR. SIEMER S: May it please the Tribunal, I shall certainly consider this matter. I think that if you look at the clock, you will find that a defense counsel has a great deal of difficulty to fix exactly the time he is going to consume with his examination. Since I am forced to abide by such a period, as a result of a ruling of the Tribunal, but since I do not want to tear one complex of questions apart, I feel that I would rather forego other methods of presenting evidence than now disrupt this present

examination. Moreover, let me state that I tried to calculate the time I am going to consume, but please keep in mind that today I was repeatedly interrupted by objections of the prosecution. Because of these objections, a great deal of time has been consumed with which I cannot be burdened. Furthermore, would you also keep in mind that I cannot include time which is consumed by the prosecution through their objections. I shall briefly continue dealing with that subject, but I shall endeavor to be as brief as possible.

" (By Dr. Siemers) Dr. Flick, would you be good enough to answer my question, how leading industrialists fared who at a later date, in 1936 or 1937 opposed the Party or National Socialist ideas?

A An example as to how such leading industrialists fared can easily be given by me, but I shall limit myself to one: Professor Junkers, the owner of the well known Junkers Aviation firm, had his property confiscated when he did not comply with the request of the Government to reorganize his firm.

Q I beg your pardon. How was he supposed to convert his firm?

A He was to expand his firm and to take up the production of other types of airplanes. They claimed that he did not produce enough from a quantitative point of view. The matter was handled informally and voluntarily by way of a mutual agreement, but it is interesting to note that, as far as I know, a prosecutor was always present during such negotiations. He was not at the table where the negotiations were carried on, but he was always sitting in the corner of the room and I believe Professor Junkers could not fail to notice him. Furthermore, I could say that a Vorstand member of an electricity plant at Essen, which was one of the largest plants of its kind in Europe, because of a defeatist remark he made was sentenced by the People's Court to death and was actually executed.

Furthermore, I could say that one of my mining directors, for similar reasons, was sentenced to a prison term of many years.

Finally I might mention my own person. Himmler, in 1940, demanded that I be sent into a concentration camp, giving the reason that I was an international capitalist. That order was not executed merely because of an intervention on my behalf by Himmler's personal physician, but actually I did not completely escape the danger to which I was subject. They had certain microphones built into my room in order to find out what I was saying. That was done upon order of Himmler. Reports had to be made to Himmler about what was going on in my office and this has been proven by affidavits presented in my own trial.

Q Mr. Flick, it is sufficient if you merely tell us from whom you know the details.

A Are you referring to my case?

Q Yes.

A I heard the details from Himmler's physician, a Finnish citizen Sanitätsrat Kersten. At the moment he is at Stockholm. He made a very detailed affidavit as to that point.

Q Thank you. That will suffice.

A Then there is my secretary who knows about these matters through the police. I could even now give you the name of the police official who had the duty to make constant reports. The name of the man is Schwank. The people who were members of the Keppler Circle had nothing to do with it.

Q One last point. In connection with Junkers you just mentioned orders by the State concerning production. What was industry's attitude towards such orders issued by the Armament Ministry or other official agencies? Was it at all possible to refuse compliance with such production orders?

A Well --

Q Dr. Flick, please do not go into details. I am asking you that question because you represent one of the largest industries and you can give us a brief and concise picture.

A First of all, let me state that every decent German industrialist, even if he was opposed to the unleashing of the war as such, remained a patriot and it was quite natural that after the war had begun, he had to do his duty as a manufacturer. That is my point of view, at any rate. After America entered the war, the superiority of our enemies in the way of material became so obvious that serious difficulties arose, that led to the fact that in view of the scarcity of materials, scapegoats had to be found. Such scapegoats were found among circles of industry. Production demands were made, which, in fact, were unreasonable and could not be met. The well known Hitler's slogan: "The word, 'impossible', does not exist in my dictionary," became the slogan for the industry, with which the industrialists were constantly subjected to pressure, bullied and threatened. The Reich Association, Iron, which in my field was founded in 1942, originated only because of the endless reprimands which were made to us because of insufficient production. There was a constant reference to the fact that the United States was producing far more and that was rubbed in all the time. I think it is quite important

for me to say that the President of the Reich Association Iron was not elected by the members, but was appointed by Hitler and Goering. I can give you one or two examples and then I can leave the subject:

When the well known railway locomotive producer, Oskar Henschel told Hitler one day that if his skilled workers continued to be drafted, production would have to drop, Hitler abruptly turned around, walked off, and shortly thereafter Henschel was dropped from his position as plant leader in his own factory.

Particularly great was the pressure which Hauptdienststellenleiter Sauer exercised on industry. He was from the Speer Ministry. His was an absolutely unbearable personality. That applied specifically to the so-called Jaegerstab. In every single plant commissars of the Jaegerstab were assigned who had the right to issue direct orders to the engineers and employees by circumventing the actual business management. At the same time, these people daily and hourly supervised the directors. They always threatened people with having them sent into a concentration camp if production was not high enough, and that was still a mild threat for those people.

Q How do you know that? How do you know that, Dr. Flick? Did you yourself speak to Sauer or did you attend meetings?

A There was one case which I did not mention here in order to save time. On that occasion, I negotiated with Sauer one Sunday morning from nine in the morning until five in the afternoon. That was at Spandau. I know of another case. I know that through our own aircraft factory. We had an aircraft factory employing 10,000 workers and the director of our aircraft factory reported on that at great length and that was Dr. Weimark.

In conclusion, let me state one thing: Hitler's attitude concerning this entire problem can best be characterized by his own words, which he once uttered in a small circle. That was, "In order to set an example, one industrialist must at one time be put against the wall and it must be a prominent one."

DR. SIEMERS: Thank you very much. I have no further questions.

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DR. SIEMERS: Thank you very much. I have no further questions.

EXAMINATION

BY DR. HOFFMANN: (Attorney for the defendant Ambros)

Q Witness, I am now reverting to the meeting of February 1933 when the funds were discussed. Let me ask you this: After this meeting in February meeting in February, did you ever again have occasion to make contributions for the benefit of another party; let us say for instance, the Democratic Party?

A At the same time we contributed for the March elections, for the benefit of the Zentrum Party, that was a contribution which we made approximately at the same time, but that was the last occasion.

Q Was it later possible to avoid this course of procedure and support other parties?

A I really don't know how that could have been possible.

Q Witness, my client, Ambros, entered the Vorstand of Farben in 1936; was it possible for him at that time to follow any other course of procedure than the one in use at the time?

A I think that it would have been out of the question.

Q Witness, were the events which you described here with respect to February, 1933, generally known, or, were they only known to the participants of the meeting; or, how far were these matters known?

A I can't tell you that exactly; I do assume that these matters weren't generally talked about.

Q Do you think that a chemist or procurist in Farben would know about these matters; these things?

MR. SPEECHER: Just a minute, that is calling for a conclusion far beyond the possible imagination of this witness. Objection.

THE PRESIDENT: The objection is sustained.

DR. HOFFMANN: No further questions.

THE PRESIDENT: Anything further from the Defense? Mr. Prosecutor, you may cross examine.

CROSS EXAMINATION

BY MR. SPRECHER:

Q Who was your chief assistant between the end of the 1920's and 1939?

A I didn't quite understand your question.

Q Was Otto Steinbrinck your chief assistant between the end of the 1920's and 1939?

A Yes, in my Berlin office.

Q I just wanted —

A Yes, he was in my Berlin office, but he didn't have a prominent position in the entire concern. Yes, in Berlin he was one of three.

Q That is where the holding company, the Friedrich Flick, K. G., was located; is that right?

A No, this was in Berlin too; yes, we talked about that for days and weeks in our trial. The Friedrich Flick, K. G., as a holding company, in order to carry on its business, needed about five officials; no more than that. The fact that Steinbrinck was a general plenipotentiary of the K. G., did not give him any big position; he was in Berlin where there was small machinery for Flick.

Q Now, Doctor, let me ask you this: In the course of the negotiations when you acquired the Fatschek properties, did Steinbrinck represent you in dealings with the government and with Goering?

A Yes.

Q All right; now, you mentioned —

DR. SIEMERS: I object; I ask you to strike this question from the record.

THE PRESIDENT: On what theory are you asking this question, Mr. Prosecutor?

MR. SPRECHER: Well, I was trying to show very briefly that Otto Steinbrinck was the principal assistant of Friedrich Flick; that he was a member of the Himmler circle; and that from 1932; and

that Friedrich Flick had around him as his next man a man very close to the party.

THE PRESIDENT: He so testified; there is no issue about that.

MR. SPEECHER: Well, the only question was the importance of Steinbrinck in relation to the witness.

THE PRESIDENT: What materiality would that have? We are neither trying Dr. Flick or Mr. Steinbrinck, and he has pretty fully told his relationship with the government and the party and also covered Mr. Steinbrinck's relationship to himself and to the party and government.

MR. SPEECHER: Mr. President, if I chose, say, as my second man, that is to say in that close connection with the party leadership and then at the same time testify that I have had great difficulties because of the oppression of the party, it seems to me that there is something in the nature of an inconsistency.

THE PRESIDENT: The Tribunal does not feel that that would be worth the time to ask the question and have it answered.

The objection is sustained.

BY MR. SPEECHER:

Q Isn't it true that when Wilhelm Keppler came to see you in 1932, at a time when Wilhelm Keppler was the economic advisor to Hitler, that he was sent to see Steinbrinck; is that true or not true?

A I didn't send him to see Steinbrinck.

Q Were you present when he was sent to Steinbrinck by Voegler?

A No.

Q Did you talk to any of the other industrialists who came to the 20th February, 1933, meeting as to whether or not they received a telegram from Goering which was similar to the one you received?

A No, I don't remember that.

Q I show you Document No. D-201, which will become Prosecution Exhibit 1995. I ask you if this is -- has the same text as the telegram you received from Goering in connection with that meeting?

A I can't say; I don't remember that in the telegram which I received a speech of Hitler's was mentioned; I just don't remember.

Q Now, on 24th March, 1933, the Enabling Act of the so-called Law for the Alleviation of German People was passed in the Reichstag. Did the three parties which contributed, or, which were to receive contributions from the collections taken, after the 20th February 1933 meeting, did they vote for that Enabling Act?

THE PRESIDENT: Just a moment.

DR. SIEMENS: One minute, Dr. Flick. I object, Your Honor; these are fields which were not touched upon during my examination. I don't really have anything against the Prosecution talking about the general policy, but in view of the time which would be burdened against me, I want to object to this question.

THE PRESIDENT: That is too remote to be of any value in this case. The objection is sustained.

BY MR. SPRECHER:

Q Had you or your firm, to your knowledge, made contributions to the NSDAP before the meeting of the 20th of February, 1933?

A I testified on that during my trial. There were smaller contributions to the SA, SS and Stahlhelm and similar organizations. We did that in order to live in peace, but that didn't actually mean a support of the National Socialist policy.

Q Thank you, that will do; that will do. This is just a small question that goes to the credibility; Doctor, can you — I want to ask you about this: Dr. Schnitzler has indicated in an exhibit before this Tribunal, Prosecution Exhibit 36, that it was Stein who made the suggestion that some payments also go to this little Volkspartei. Do you have any distinct recollection as to whether or not it was Schnitzler or Stein who made such a suggestion?

A As far as I remember, both gentlemen said that, but I am quite sure that Schnitzler said it; perhaps both, but I am quite

sure about Schnitzler, I remember that he made that suggestion. I
said that I never met Schnitzler at the time.

Q. Now, Goering was the head of the Four Year Plan; did he oppose the growth of your concern?

A. I can't say that; I didn't speak about the expansion of concerns as such, but in connection with Funk I spoke of the stoppage of any expansion during the war.

Q. Now, just a minute; just a minute. Now, I wasn't asking about Funk; I was asking about Goering.

A. The growth of the concern was not opposed by Goering, but at that time, at the time about which we are speaking now, the concern no longer grew. The growth really came about through buying of shares, fusions, affiliations, etc.

Q. Is it fair to say that the fear of economic loss, to speak of yourself, led to your making concessions to Nazi wishes which you otherwise would not have made?

A. I didn't quite understand what you meant about loss.....

Q. Speaking of your own case, for I am sure you have good knowledge of it, did the fears of economic loss on your own part lead to your making concessions to the Third Reich, the leaders of the Third Reich?

A. I don't know what I have to understand by losses; what do you mean by losses?

Q. Did you fear any economic loss if you did not take a leading part in the Third Reich as an industrialist?

THE PRESIDENT: Mr. Witness, I don't know how it gets to you on the translation, but I think what the Prosecutor is trying to convey to you is this: Did you cooperate with the government and the party because you were afraid that your property would be taken away from you if you did not cooperate? Is that a fair statement of what you are driving at there, Mr. Prosecutor?

MR. SPRECHER: Yes.

A. It is impossible to express it so generally, moreover I contest the fact. There was no mention of any cooperation. That I

cooperated with National Socialism in the first years. I was observed and suspected. It is being stated here that if as if it was a matter of course, but I object to that sort of statement. Naturally every industrialist is afraid of losses -- not only in Germany but throughout the world.

BY MR. SPEECHER:

Q. Now, in the case of Professor Junkers, did you yourself hear from General Milch that Professor Junkers was very well paid for the plant when he stepped out of the Junkers concern?

A. Very well paid?

Q. Yes.

A. I can't tell you what he got, but you can rely upon it that he didn't sell voluntarily. I know something about the Junkers question at the time. I was in contact with that question because I was to act as some sort of economic expert. Let me repeat here that according to information I received the negotiations were carried out in the way I described them.

Q. Just a minute --

A. In the very same room, not at the same table, but a prosecutor was sitting there --

Q. Just a second --

A. I think that that is very important when you come to judging that question.

Q. I will ask the question, and I will ask that if the answers are not responsive, I will ask the Tribunal to interfere. I asked you whether you heard from General Milch, when you were present and General Milch was talking, that Professor Junkers was well paid. Now, if you didn't hear it, just say you didn't hear it.

THE PRESIDENT: Mr. Prosecutor, as we understand the witness, he was testifying to the point that the property was taken away because of the coercive conduct of the government. If that was true, and if it was forcibly taken, the question whether it was paid for afterwards wouldn't be very important. The man who steals my property is not going to make the

act lawful by coming around afterwards and paying for the property he has stolen. That is hardly an answer to the question.

BY MR. SPEECHER:

Q. You mentioned a Vorstand member who was executed for some reason or other. Who was that person?

A. Mining Director Riecken.

Q. Do you know what he was executed for?

A. Because of an allegedly defeatist remark he had made; that was made in the circle of the staff of his close associates.

Q. You mentioned one of your mining foremen was sentenced for many years; what was he sentenced for?

A. As I said, he was sentenced for the same reason. He was also mining director, Bruts.

Q. Did he make some remark against the regime or something? What was the nature of the remark he made?

A. Yes, I can tell you that. That was in 1943 when Mussolini resigned; there were difficulties in Italy, and he made some remark to the effect that the war wasn't going very well, and he was still lucky that he got away with a long prison term.

Q. Do you know the name -- when was the other Vorstand member executed that you mentioned; when was that?

A. I only mentioned one as far as execution is concerned, didn't I?

Q. Yes.

A. I only mentioned one.

Q. When was he executed?

A. Well, I wasn't present; I think it was in 1943 or 1944. At any rate, it was before the end of 1944.

Q. Now, didn't you get a little gift from Himmler in 1944 along with other members of the Himmler circle?

A. What did I get from Himmler?

Q. A gift.

A. A gift? Really I can't say. From the Porcelain factory ... in Allach I received some sort of a figurine; I think you can buy that for twenty-five marks in any shop; I remember that.

Q. Well, assume it was only ten pfennigs, you accepted, it known it was from Himmler, didn't you?

A. Yes, the package arrived and I assume with certainty that Himmler's address was on the left-hand top corner of the package; I assume that. I can't tell you --

Q. Now, your gifts to Himmler were somewhat larger.

A. Yes, much larger, one hundred thousand marks a year.

Q. Now, did you get any --

A. But it wasn't a gift.

Q. Did you get any reprimand in the circle of friends at any time, from Mr. Himmler, after this alleged occasion when Himmler's physician told you that Himmler was going to have you sent to a concentration camp as an international capitalist; did Krennauer or Himmler mention that to you in the meetings of the Himmler Circle of 1940?

A. After I know of that, do you mean?

Q. Yes.

A. After I know.

Q. Yes.

A. Well, if Himmler had known that his personal physician had told me about that, something serious would have happened, but I can explain the circumstances to you under which this personal physician told me about that.

Q. Just a second --

A. It is very important.

Q. I was asking you --

A. I think they are of great significance.

THE PRESIDENCY: Mr. Witness, the Prosecutor is a judge of when he has elicited sufficient information, but I may say to you that Counsel who is responsible for having you here will be privileged to go into re-direct examination to bring out any details that he thinks you have not had an opportunity to tell, and which he thinks are competent and important; so, be contented with answering the Prosecutor's questions and leave it to Dr. Siemers.

MR. SPEECHER: I will rephrase the question just to be sure it is clear, and then you can object. I will rephrase the question. I shall rephrase the question and then you can object.

Q. Did Himler, Pappier or Krasofsky after 1940 ever tell you about what Himler allegedly said to Himler's doctor?

A. I didn't get the question.

Q. You testified that Himler's doctor made this statement to you, about the fact that Himler had ordered that you were to go to a concentration camp as an international capitalist, is that right?

A. Yes, his personal physician told me that.

Q. Now, after the personal physician of Himler told you that, was that or something to that effect repeated to you at any time in the Himler circle thereafter by either Himler, Pappier or Krasofsky?

A. No, neither before nor afterwards.

Q. Thank you.

A. They didn't tell me that.

Q. Thank you, that is answered.

A. They usually didn't give you notice beforehand if they wanted to put you into jail.

Q. And you never did get to jail under the Nazis, did you?

A. No.

Q. Thank you.

A. Not up to 1945. I was never imprisoned in my life.

MR. SPEECHER: No further questions.

THE COURT: Any further examination on behalf of the defendant? Dr. Seiders, I feel obligated to remind you that the field of your testimony now is very, very narrow and doesn't lead very far.

REDIRECT EXAMINATION

BY DR. SEIDERS:

Q. Dr. Flick, in order to clarify this case of the indictment, you said that he made some defeatist remarks. Do you still remember that?

Riecken said? Did he doubt Germany's victory, or what?

A. The concept "defeatist remark" went very far. I was told that his remark was that it was very difficult to cope with the Communists, but "let's hope that we will be able to cope with the National Socialists." That is what I was told.

Q. You were asked by Mr. Sprecher whether you gave Himmler a gift. He meant whether you gave him a larger gift than the one you received from him. You said, "Yes, but it wasn't a gift." Could you please elucidate on this point?

A. These were the payments to the Goeyler Circle, which was later called Himmler's Circle of Friends. These weren't any contributions to Himmler or to the SS. We were asked to make them and the express reason was given that we had to do that in order to satisfy Himmler's hobbies in the field of research work of the old Germanic culture. He wanted to make excavations in places of ancient civilization in order to maintain the antiquities of the German nation. This was the only reason given. Perhaps some social-welfare considerations were mentioned later, but at any rate, these were the reasons by which the contributions were asked for, were given, and the use of these contributions was currently demonstrated to us by showing us films, by asking us to inspect these sites, the Ludlinsburg Cathedral, the Luchberger Ecide, Wewelsburg, and all these numerous sites where such excavations and works and cultural research were taking place.

Q. I think that will suffice. It further becomes apparent from the judgment of the Military Tribunal on your trial. One last question. You were asked about a telegram by Mr. Sprecher. You said you didn't discuss it with others. Didn't you speak to Dr. Tengelmann, who was present, who came from the mining association?

A. No. At the time, Tengelmann wasn't general director of Essener Steinkohle, but director of Gelsenkirchen. At the time, I had no professional contact with him at all, that was only later in 1936.

Q. Then it was merely an assumption on your part when you stated

during direct examination that you thought that the others also received telegrams?

A. Yes.

DR. STEINBRICK: Just to clarify one more point in relation to the contributions, Dr. Dix will be kind enough to ask some questions of Flick, because he knows far more about that matter than I.

DR. DIX: Your Honors, the questions put by Mr. Sprecher concerning that point were only aimed at the credibility or lack of credibility of the witness, and that is why I am asking my questions now.

BY DR. DIX:

Q. Mr. Flick, you said when asked by Mr. Sprecher that you already contributed small amounts even before 1933 for the benefit of certain affiliations of parties, SA, etc. I am asking you now, can you tell us approximately the entire sum of these small contributions in their proportion to such contributions which were made at the time for anti-Fascist purposes, that is, to support the Hindenburg election and to support the Central parties?

A. The amounts paid to these small organizations can be considered as amounting to 50 to 70,000 marks, that is, for the years 1931 and 1932, as compared to 1.3 to 1.5 million expended for the anti-Fascist parties in the year of 1932 alone. Let me state in that regard that these contributions amounting to 50 to 70,000 marks were not initiated by myself, by saying that I wanted to make some contributions to the Party, but they were merely the sum total of very insignificant amounts which were paid by one or the other mining or plant director, of only a local significance. They were paid in Berlin. These were individual amounts of 5,000 marks, 3,000 marks, or others, trifles. I don't have any statistical material on that question, only an estimate on my part, and Mr. Steinbrink told about this matter in much greater detail, but that is the proportion, approximately.

Q. One last question. In your Berlin office and in the offices which were subject to your influence, was it customary to quite generally

give everybody something who came along and entered your door and had some small request, irrespective from what camp he came, who he was, or were you in the habit of investigating carefully every contribution you made?

A. Yes, that was quite customary, if only to save time.

DR. DIKE: Your Honor, the same question was discussed during the Flick trial. Let me say that I regret that at the time I personally didn't go to Flick's door and ask for something, because then I would have gotten something, too.

THE PRESIDENT: Does this conclude the interrogation of this witness? Since it so appears, Mr. Witness, you are excused from further attendance. Now, Dr. Von Stahler, in the course of a minute or so, can you tell us what you have in mind about your own program now before the recess, and then we will start?

DR. VON STAHLER: Well, I think if you will allow me to speak of case after the recess - - -

THE PRESIDENT: Do you wish a witness, or will you leave the defendant?

DR. VON STAHLER: The defendant only.

THE PRESIDENT: I am sorry, did Dr. Stahler have something else? The witness will now rise for recess.

(A recess was taken.)

THE PRESIDENT: Persons in the courtroom will be seated.

The Tribunal is again in session.

DR. S. LEL: Dr. Seidl for the defendant Dr. Duerrfeld.

The defendant Dr. Duerrfeld is not concerned in the next following case of the defendant, and therefore I ask that he be excused from attendance next Monday and Tuesday.

THE PRESIDENT: The request is granted.

DR. VON KETTEL: May it please the Tribunal, Dr. von Ketzler.

I have the honor to present the case of Paul Hasfliger. I propose to call the defendant to the stand. I am going to introduce three Document Books which, as trust, are by now in the hands of your Honors. I will present the documents in the course of the examination in chief. I reserve the right to present a few additional documents as part of the supplemental Document Book. There will be no witnesses.

May I call now the witness Dr. ---

THE PRESIDENT: First, will the jury bring in from our offices the Hasfliger books, please. And the defendant Hasfliger may leave the dock and take the witness stand.

PAUL HASFLIGER, a witness, took the stand in his own behalf and testified as follows:

THE PRESIDENT: Mr. Defendant, would you please stand and hold up your right hand to be sworn? Say "I", and state your name for the record.

DEFENDANT PAUL HASFLIGER: I, Paul Hasfliger.

THE PRESIDENT: And now repeat after me the oath. I swear by God the Almighty and the Omiscient I will speak the pure truth and that I will add and withhold nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

PAUL HASFLIGER

BY DR. VON MULLER:

Q Herr Hasfliger, would you please indicate your full name and date of birth for the record?

A Paul Hasfliger, 19th of November, 1886.

DR. VON MULLER: Mr. Hasfliger, before the beginning of your examination in chief, I would like to pay attention to the translation, speak slowly, and in particular pause between my question and before you give the answer so that the interpreter can translate.

Q Mr. Hasfliger, in an affidavit dated 28th February 1948, which I am now going to submit as part of your Document Book Number I, you have laid down your career and professional activities until 1933.

DR. VON MULLER: May I present now Hasfliger Document Number 10, which your Honors will find in Book I, on page 1, and which I offer in evidence as Hasfliger Exhibit Number 3. This is an affidavit of Paul Hasfliger, dealing with his personal and professional career up to the year 1933.

Q In connection with this affidavit, I want to deal with the initial part of your examination concerning certain statements about your political attitude, your nationality, and your further vocational development within Germany after 1933. I should like to ask you to answer a few questions in that connection.

What affairs were you working on in the predecessor firm of Merben which was one of the founder firms, namely the Chemische Fabrik Wesselschlag & Söhne?

Ans, as you have described in your affidavit, you entered the services of that firm in 1909.

A I was a correspondent, a language correspondent, working under my superior, Director Andrea, in particular in the field of international conventions of the heavy chemical sector. In this field I had reached a certain stage of proficiency and became an expert in the course of the years. In that connection, my knowledge of English, French, Italian served me very well.

Q In what field did you mainly work later in the I.G.?
First as a deputy member and later as a regular Vorstand member?

A Until the beginning of the war in September '39, I was mainly working in the same field described just now. In addition to that, from 1928 on there were certain preliminary negotiations that I conducted for granting licenses at home and abroad and certain processes from the commercial side.

Q Did this activity of yours get you in close touch with foreign countries?

A Yes, of course. I was very frequently abroad for long periods of time and I took many trips to foreign countries, where I was able to observe the business activity in many countries of the world. I spent a considerable part of my time abroad.

Q Would you please describe to the Tribunal briefly your political attitude before and after 1933?

A In the affidavit of the 24th of February '45 -- which is Document Number 17, I have already stated that in my parent's home in Switzerland I was educated in a democratic spirit. My education at the Commercial High School in Neuchâtel, a well known institute of learning, and during my apprenticeship in London, and in the course of my professional activity in the field of international conventions of the heavy chemicals industry, all this was caused a tendency with me directed towards peaceful international collaboration. This activity that I was assigned corresponded to my attitude and therefore satisfied me completely. That is perhaps also part of the reason for the success that I had this very modest part of Farbon's work.

Q Mr. Masdorff, wasn't your political attitude influenced as a result of your nationality?

A Certainly. As a Swiss I belonged to a very peace loving nation imbued with the spirit of international understanding. As is well known, Switzerland is the only State in the world which has three nationalities within its borders speaking different languages that have consolidated to a union under a spirit of freedom.

Q Were you influenced by political events in Germany since 1933 in your political attitude?

A No, even under National Socialism and during the war also I always maintained my attitude and stayed the way I was before.

Q Can you perhaps give me an example where such an attitude manifested itself in public in the way you have just now described it?

A Yes. In the years 1934 to 1938 I was the Swiss Consul in Frankfurt on the Main. In that capacity I represented the duties of Swiss Consul and gave a number of speeches to my Swiss colony and amounting to some four thousand people. In these speeches I expressed my attitude towards international understanding and appeasement of the peoples. Then, after 1933 in Mainz, which also belonged to the sector under my consulate, there was a small group of Swiss people with National Socialist tendencies. I rejected to speak to them or to support them. During the war, a Swiss group was activated in Vienna and repeated requests were made from this National Socialist group that I should join, but I threw all these requests into the wastepaper basket. This movement, moreover, didn't find any echo in Swiss circles in Germany.

Q May I introduce now another document. I am offering in evidence Haefliger Defense Document #11 which Your Honors will find in Book 1 on page 5 and which may go in as Haefliger Exhibit #14. This document contains extracts from speeches of the defendant to which he has just now made reference and which he held before the Swiss colony of Frankfurt in his capacity as Swiss consul in the years 1935 up to 1937. In these speeches the defendant stresses his attachment to the Swiss way of life and to the democratic and peaceful ideology of this country. I may quote two significant sentences from these speeches:

"May our Cross be a symbol and convey hope to all those who strive to preserve in their heart the faith that after the time of national

recrudescence must come the time for conciliation of the peoples of Europe, united among themselves, and with it the sacred respect for the personal life of the individual. One ought to believe that by this time everybody should begin to understand what people who have travelled afar and who have world experience have realized long ago, to wit, that there is no room for military conflict on our continent, which was so graciously blessed by nature, and that actually the peoples of Europe are much closer united in cultural and spiritual matters than most people seem yet to sense."

Mr. Hiefliger, apart from these speeches, can you not also list other facts which may show that you did not permit yourself to be infected with the National Socialist spirit? For instance, did you, at any time, belong to the NSDAP or any of its affiliated organizations?

A No, I didn't belong to the NSDAP or to any of its organizations at any time. It is possible, but I don't know it for sure, that I was a member of the German Labor Front by reason of an overall entry of all firms into this organization, but by this I do not want to say that I consider membership in the Party as being the same thing as being in favor of the National Socialist ideology because I know how many people had to join for professional reasons. In the interest of their firm, for instance, they had to join the Party.

Q If I understood you correctly then you didn't join the NSDAP or any of its organizations even after you acquired German citizenship in 1941?

A No, not even after that period.

Q Did you ever learn of any steps that were undertaken by National Socialists against you as a Swiss citizen?

A Yes. The Gauleitung of the NSDAP in Frankfurt objected to my position as a member of the Vorstand of Farben on the ground that I was a Swiss citizen and they demanded in 1941 that I resign.

Q I'll revert to that later.

Please describe to the Tribunal your attitude towards the Jewish problem?

A I was completely free from anti-Semitism. In Switzerland that isn't any problem and in Germany I kept aloof of any such feelings for the majority of my friends, by the way, were Jews.

Q Can you give us a striking example for your attitude in this connection?

A For instance, I had a long time business associate, James Pels, whom I granted my assistance without hesitation when, at the end of 1937, this man had to emigrate from Germany and wanted to transfer his place of business to Holland. I was able to succeed with the Reich Foreign Exchange Control Agency to have the transfer of his property to Holland approved and I assisted in the reconstruction of his business there. Mr. Pels, who is now living in Tel Aviv, Palestine, by the way, immediately took up correspondence with me after the stoppage of correspondence was lifted in the summer of 1946 and he wrote to me that he should be glad to hear something from me and that he wanted to remain in touch with me; that, after all, he owed his life to me, he wrote.

Q I shall hand in subsequently an affidavit of Mr. Pels which unfortunately has not yet come in so that we don't have to deal with this any more in detail now.

Mr. Hoffiger, you described the acquisition of German citizenship in 1941, a little while ago. I want to ask you something about that. Would you please tell the Tribunal briefly the reasons that led you to undertake this step?

A It was obvious, of course, that during the war foreigners and especially those foreigners who held any positions in German economy such as I did would be exposed to an ever increasing pressure and to being spied upon by the National Socialist agencies. For that reason my position as a member of the Vorstand of Farben in the course of the war, in view of my Swiss citizenship, became more and

more difficult to maintain and untenable at the end. As proof for that I refer to the objection brought against me by the Gauleitung of the NSDAP in Hesse in 1941. At that time I also saw a certain danger because they became more reticent in informing me about their activities and on their part they were exposed to denunciations of uninvolved people who claimed that they perhaps violated the regulations regarding observation of secrecy since, during the war, an intensified obligation of maintaining secrecy was imposed upon even matters of minor importance.

On the other hand, however, the firm did not expect anything from me that I could not reconcile with my conscience, as a business man or with my professional ethics. After long consideration, therefore, I decided finally after having lived in Germany for more than thirty years, to accept German citizenship in 1941, in order to have to lose my position and the fruits of a life's work.

Q. Mr. Hoefliger, you have just mentioned the demand of the Gauleitung of the NSDAF in 1941, to have you eliminated from the Vorstand because you were a Swiss. In this connection I want to put something to you from the Meer Defense Exhibit No. 9, in Book 1 on pages 2 and following. This is an affidavit of the defendant, Dr. ter Meer, and in the sentence before the last under figure 10 the following is stated:

"The Gauleiter's office of the NSDAF," and I quote, "objects to Herr Hoefliger as a member of the Vorstand since he is a Swiss and not a German citizen, but this matter was settled because of Hoefliger's nationalization."

Is that description rendered by Dr. ter Meer correct?

A. Not quite. I must say that the information that the Gauleiter objected to me, and demanded my resignation, officially in '41, was not known to me. I just felt the resistance. It was in the air. I could feel it in the attitude of certain associates who are not here on the dock. I could feel that something was up. I knew that the regulations against foreigners had become intensified, that there were certain prohibitions to disclose any secret information, and it is generally known that secrecy became an epidemic. Every document was stamped "secret", and if anything had once been classified as secret, then anything at all that had to do with this matter had to be classified as "secret". It was practically so that nobody, could discuss anything important at all without violating the regulations regarding secrecy, and this brought it about that certain of my associates became more reticent in information towards me. I saw that from documents here, orders of deliveries which

had to be met in case of war.

I never saw them and I did not know anything about them. They were, of course, stamped with a "Secret" stamp, and I could not have learned about them anyhow, but as I say, these regulations existed and all of the associates, who all had their enemies, were hampered in their business with me. One has to understand that they were afraid of being denounced.

Q. In that connection I want to ask you, did your colleagues in the Vorstand, and in particular those gentlemen in the dock here, make any difficulties for you because of your Swiss citizenship; in particular, did you ever have the feeling that in your Vorstand meetings, things were concealed from you because of your Swiss citizenship?

A. No, by no means, but the pressure toward having me naturalized in '41 was not instigated by my colleagues. I myself wanted it because I felt that I endangered my colleagues because I tested their patience too much, since I had to participate in the meetings. Theoretically, it was sufficient to imprison them all which gives on the feeling that one can not tax one's conscience in that way any more. That was the main contributing factor why I resolved to eliminate this danger to my colleagues. I expressed my gratitude toward my colleagues, for --

Q. Just a little more clearly, if you please. You just said that you expressed your gratitude towards the other members of the Vorstand. Would you explain that?

A. Yes, when it was publicized that I was naturalized, in the Vorstand, I took that occasion to thank my colleagues for their not having placed me in the dilemma, and that they had shown tolerance towards me, by not having told me one day, "Mr. Haefliger, we are sorry, but because of these intensified regulations I believe you will have to leave the room because we are discussing certain points now." That would have been an insult.

Q. Thank you very much.

I am offering now in evidence three more documents. First is Haeffliger Document No. 12, which Your Honors will find in Book 1, on Page 12, and which may go in as Haeffliger's Exhibit No. 5. This is an affidavit of Ludwig Adlbeck, former secretary to the defendant, who testifies on the difficulties arising during the war out of the Swiss nationality of the defendant, which caused him to acquire the German nationality. He states that members of his staff in the Chemical Sales Combine which we call the Verkaufsgesellschaft Chemikalien withhold information from him on account of his Swiss nationality, and the severe secrecy regulations, after the outbreak of the war.

I offer next in evidence Haeffliger Document No. 13, which Your Honors will find in Book 1, on Page 18, and which may go in as Haeffliger's Exhibit No. 6. This is an affidavit of Karl von Heider, former Titular Director in the Verkaufsgesellschaft Chemikalien, who corroborates the statements of affiant Adlbeck, on the information being withheld from Paul Haeffliger by members of his staff on account of his Swiss nationality.

I offer next in evidence, Haeffliger Document 14, which Your Honors will find in Book 1 on Page 24, and which may go in as Haeffliger's Exhibit No. 7. This is a certificate of the Swiss Consulate at Frankfurt, dealing with the acquisition of the German nationality by the defendant. It is stated therein that he retained his Swiss nationality, and on the 29th of January, 1946, was issued his last Swiss passport.

Reference is furthermore made in this certificate to the pressure which was exerted during the war on foreigners living in Germany, and which caused not a few Swiss citizens, among them also the defendant, to acquire the German nationality without waiving their Swiss nationality.

Q. Mr. Haeffliger, I want to examine you quite briefly, about this point. Wouldn't you, for instance, have been able to emigrate to Switzerland in order to evade the acquisition of German nationality?

A. No. On the one hand, since I had not yet reached retirement age, I could not have received my pension. At best I would only have

received a very small pension, and transfer of my modest savings and of a diminished pension would not have been possible according to the regulations in existence. Finally, however, a visa to Switzerland would not have been given me because of the circumstances.

Q. In the document, the certificate of the Swiss Consulate at Frankfurt, that I just submitted to the Tribunal, it says that you retained your Swiss citizenship. How was that at all possible?

A. I retained my Swiss citizenship, an action to which I was justified according to our Swiss Constitution. It provides that even in the case of a naturalization by another country, Swiss citizenship may be retained, and can only be lost through a formal waiver. I informed the Swiss Minister in Berlin at the time, and gave him the reasons why I was doing this, and he understood the state of emergency in which I found myself.

Q. Very well. From 1941 on you had dual citizenship, then. Were there many such cases of Swiss people in Germany?

A. Yes, I had a dual citizenship. I was a person who had dual citizenship, and from my activities as a Consul, of course I know that there are many Swiss living in Germany who have the German citizenship as well as their Swiss citizenship. The same is true in many other countries of the world.

Q. Mr. Haefliger, from 1934 to 1937 you were Swiss Consul in Frankfurt. Did you in 1937 finally sever your connections with the Swiss Consulate and never again take them up?

A. No. Since my main place of residence was in Berlin, my connections with Frankfurt became more vague, but at the beginning of 1945, when it was no longer possible to work any more in Berlin, since everything was destroyed anyhow, and since we were constantly being attacked by air, I returned to Frankfurt, and since one could see the end approach, I put myself at the disposal of the Consulate, and came in contact with the Swiss Ambassador in Berlin, and I was put on the Staff

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of the Swiss Consulate in Frankfurt, to be the official advisor of the Consulate.

Q. Was that revoked officially after the capitulation?

A. No, after the collapse, when Frankfurt was occupied at the end of March, I became very active there. The consulate had to be housed in a little village. It had to come back to Frankfurt. I had evacuated part of my house in order to make more room for the office.

Then I made inquiries about the legal situation of the Swiss colony in Frankfurt and wanted to protect them against any dislocations by the military.

Q That is sufficient. Do you still have German citizenship?

A No, I don't have German citizenship any more. I cancelled it after I was released from internment at the end of 1945.

Q Have you been officially released from your capacity as a German citizen?

A Yes.

Q Who did that?

A The competent Regierungspraesident in Wiesbaden did that.

Q When?

A On the 25th of January, 1946; the consulate helped me considerably at the time, the representative of the consulate.

Q Then today you are a Swiss citizen only, is that right?

A Yes.

Q I now conclude this chapter and turn to your professional career and position with Farben.

I want to ask you initially, Mr. Haefliger, after 1933 did you at any time hold an official position in National Socialist Germany or did you hold an office in the National Socialist economic organization?

A No, I never held any such office.

Q What was your position when Farben was incorporated, in 1925?

A I was in the second smallest founder firm: Chemische Fabrik Grisehain Elektron. I was the Deputy Vorstand member. And at the very end in 1925 I was called automatically into the Vorstand of the newly incorporated I.G. Farben.

Q That is to say, in 1925, when Farben was founded, you became a Deputy Vorstand member of Farben?

A Yes.

Q When did you become a regular Vorstand member?

A In 1938.

Q Mr. Haefliger, how many members of the Vorstand were in existence in 1936, when Farben was incorporated?

A Eighty-two.

Q How many of them were regular and how many were deputy members of the Vorstand?

A Thirty-nine regular and forty-two deputy members of the Vorstand, to be exact.

Q weren't there forty-three?

A Yes—forty-three.

Q How high was the quota, in which the Chemische Fabrik Griesheim Elektron was given a representation in the Farben Vorstand?

A Griesheim Elektron was represented to an amount of six percent.

Q How many seats did they get in the Vorstand?

A All these people who were in the smaller Griesheim Elektron Vorstand were taken into the larger Vorstand, and I believe there were ten members of the Vorstand.

Q How many of them were regular and how many were deputy members?

A Six regular members and four deputy members.

Q Then Griesheim Elektron had too high a proportion in Farben's Vorstand, as seen from Farben's point of view?

A Yes; according to the proportion they should have had only five members, but they did have ten. Then it is true that there was an excess.

Q How many of the former Vorstand members of the Griesheim Elektron were called into the Working Committee of Farben?

A Two.

Q Who were they?

A Moor-Andreas and Dr. Fictor.

Q Mr. Haefliger, what boards of the Vorstand of Farben really conducted the business of the Vorstand until 1938?

A Because of the number of its members the entire Vorstand could not operate very well. And therefore the functions normally undertaken by

a Vorstand were exercised by the Working Committee. That was really the Vorstand.

Q What was the position of the Central Committee in the connection?

A The Central Committee was formed at the beginning of 1931 and was extended at the beginning of 1933, or was newly constituted. This was done because even the Working Committee had by now become too large, and, in the opinion of Geheimrat Bosch, could no longer bear all the responsibility.

Q In connection with the expansion and new constitution of the Central Committee effected in 1933, did you get in touch with Geheimrat Bosch?

A Yes.

Q Would you please tell me what you did?

A I didn't do it because I wanted to interfere but because the Sales Combine Chemical was not represented in this newly constituted Central Committee. All the other organizations were represented, and therefore I wrote a personal letter to Prof. Bosch and suggested that Weber-Andreas, in his capacity as chief of the Sales Combine, should become a member of the Central Committee.

Q What was the answer that Mr. Bosch gave you?

A Geheimrat Bosch wrote me a very severe letter and he told me in unequivocal terms that the formation and the staffing of the Central Committee was his affair and that in particular any attempt on my part to change the composition of the Central Committee would be useless.

Q What was the function of the repeatedly mentioned Verwaltungsrat of Farben?

A The Verwaltungsrat was the Executive Committee of the Aufsichtsrat with powers of control and approval. We called it the "Council of the Code."

Q Mr. Haefliger, you already said that the Working Committee was practically the agency that conducted the responsible business of the Vorstand. Did the Vorstand ever convene before 1936. Was it significant

at all, apart from the Working Committee?

A I cannot remember that the entire Vorstand, apart from the time that these eighty-two people were together in 1926, ever convened. Practically, there was only the Working Committee carrying out the functions of the Vorstand.

Q Mr. Hasfliger, please describe briefly to the Tribunal how the Vorstand developed as to numbers of participants until 1938?

A From the original eighty-two members of the Vorstand, fifty-five resigned, until 1933, and in 1934 and 1938 another twelve resigned; so that altogether sixty-seven resigned, approximately one-sixth were replaced by new elections. That is to say, one-sixth--twelve of them--were replaced, and all of these twelve had previously been Prokurists or titular men of Farben. From these eighty-two "old veterans," as I would call them, there were only fifteen left in 1938. And added to that, these twelve newly elected, you arrive at a number of 27 members of the Vorstand in 1938.

Q How many of these fifteen "old veterans," as you have called them just now, were regular members of the Vorstand at the beginning of '38?

A Thirteen.

Q That means that during those first twelve years only two "veterans" remained as deputy Vorstand members, is that right?

A Yes.

Q Who were they?

A Dr. Jacobi and I, myself, both coming from the firm of Grisehain Elektro.

Q Were Mr. Jacobi and you members of the Working Committee?

A I believe Mr. Jacobi, from 1933 on, but not I.

Q From your answer I understand that you are the only Vorstand member of Farben dating back to the time of incorporation who remained a Deputy Vorstand member until 1938 and who was not in the Working Committee. Is that right?

A Yes.

Q Did you ever participate in the meetings of the Working Committee as a guest?

A Yes, a few times.

Q For what reasons?

A In particular when the leader of the commercial Sparte Weber-Andree was on trips, and he asked me to be an observer for our heavy chemical questions.

Q Mr. Reeffliger, from the time of the foundation of Farben until 1938, as I learn from your answers, you were never promoted and you were by-passed, so to speak, by many other Prokurists. What is the explanation for this peculiar process? Were you perhaps inefficient? What is the reason for that?

A I would not want to call myself inefficient. There were five objective reasons for the fact that I was not promoted. I can give you these reasons.

First, the scope of my duties was interesting but was so confined and strictly limited within the overall picture of Farben that it did not justify that it be represented in the Working Committee or in the Vorstand. It didn't really pass the significance of many titular directors, and you can't call them inefficient either.

Secondly, the businessman was not so respected under the leadership of the technical man Geheimrat Boeck of Farben and he was not disposed to promoting any business man. It was the policy in each of the five sales combines to have only one regular Vorstand member represent sales combines and sales Sparten. The Vorstand members who were taken over from the very beginning could not be eliminated so easily, but after they did or after they retired they were never again replaced.

If I may say so, these executive people who remained in this position were mostly given some special commissions or partly specialized activities and really had the position of superior titular directors. It is a significant fact that from 1926 until 1931 only two business men were taken into the Vorstand and from 1939 until the end not a single business man was taken into the Vorstand although the turnover during that time increased tremendously -- unless you want to consider Dr. Illmer a business man; in my opinion, he was an efficiency expert and an economist, but perhaps he was a business man, too. I don't know.

1. Continue, Mr. Engeliger.

2. The policy of the chief of the Sparte, Haber-Andreas, who saw all his life's works in his functions and who was a little afraid of being retired pursued the principle, "divide et impera," "Divide and conquer", and he permitted no one to get into his position and he remained in his office until his death in 1943.

The fourth reason was, of course, my citizenship which constituted an ever-increasing obstacle after 1933 for the expansion of my responsibility. That was in the spirit of the time and is not meant to be any reproach on my colleagues; for, after all, in order to remove that obstacle, I might have become naturalized but I didn't want to become naturalized.

The fifth reason was the fact that owing to the death of my highly respected General Direktor Klieninger in 1941, who was an outstanding personality and who was a member of the Verwaltungsrat I lost my only supporter and my friend in a high position.

Under these circumstances, I became gradually resigned

to accept what I had to contend with and after the war broke out I decided that I would retire as soon as the war was over and return to my homeland. For that reason, I retired from any activity that did not have directly to do with my field of work.

Q. Mr. Heeflinger, you have already told the Tribunal that in 1938 you became a regular Vorstand member. Did any other deputy members of the Vorstand become regular members besides you?

A. Yes, in May 1938 all deputy members, amongst whom was also Dr. Jacobi and myself, were all made into regular Vorstand members.

Q. Was your appointment to a regular Vorstand member actually a promotion for you?

A. No, not at all. As Geheimrat Schmitz told us, in the Vorstand meeting in May 1938 where the appointments of these deputy members to regular Vorstand members were announced. He said specifically that this appointment didn't mean any increase in salary nor did it change the position within Farben or any of the duties of these persons.

Q. Then, if I understood you correctly, your appointment to regular Vorstand member in 1938 didn't increase your responsibilities that you had held up to that time in the Vorstand.

A. What you say is correct.

Q. Was this appointment more or less a formality?

A. Yes. That is what I took it to be. It had to do with the strongly reduced numbers of the Vorstand members. In 1937 approximately 6 members resigned, some of them very prominent, such as Professor Pistor and Dr. Salek, because of overage. They had served thirty or forty years and they

weren't retired, as contended, in order to improve the quality of the efficiency of the Vorstand.

Q. Mr. Haeffliger, upon the request of the prosecutor, I wanted to ask you a point of order. You spoke of Jacobi. Is that Constantin Jacobi or Walter Jacobi?

A. It wasn't the nitrogen Jacobi. I think his name is Constantin.

Q. That is enough. Since you have now described your actual position within the Vorstand of Farben, I want to learn from you your actual functions within Farben. Please describe to the Tribunal the scope of your tasks from the time Farben was founded in 1925 until the war broke out on the 1st of September 1939.

A. I said that I was a member of the sales combine chemicals. My field of work at the time within this sales combine comprised a large sector, especially of the inorganic chemicals. It concerned ferrous metals after about 1928, and light metals, aluminum metal in particular, after 1931. Then these latter metals were transferred to the Bitterfeld plant and were under the immediate jurisdiction of Weber-Andreas who had determined policy in that field in the commercial sector. The emphasis of my activity was not, as I have already explained, in the field of international conventions of the heavy chemicals industry.

Q. What significance did the convention sector have within the framework of the entire sales business of Farben?

A. Only very small significance.

Q. Was this field at any rate so extensive that it filled out most of your time and energy?

A. Yes. I was very often abroad as a result of my activity before the war.

Q. Can you give me a few examples from all your various activities so we can see how long you were abroad?

A. I found a diary of my secretary that lists the activity of every day and from that I saw that from 1933 to 1938 inclusive I spent on the average 130 days a year abroad. In 1937 I even spent 210 days abroad.

Q. Mr. Hasfliger, you spoke about the sales combine chemicals. What were the duties of this sales combine?

A. That was the organization within Farben that promoted the sale of the inorganic and organic chemicals.

Q. Who was in charge of this sales combine chemicals?

A. From 1926 --

Q. Excuse me, Mr. Hasfliger, you must make a pause before you give your answer. Well, go ahead now.

A. From 1926 to 1943, under the charge of Mr. Weber-Andreas, and after his death in October of 1943 until the collapse I was subordinate to Dr. von Schnitzler.

Q. Were you Mr. Weber-Andreas's deputy?

A. No. My actual position was that that together with Director Walter Horstmann, Director Horn, Director Karl von Heider, Mr. Weber-Andreas, I was in a subordinate position. I myself was coordinated with these people mentioned who did not consider me their superior even in the absence of Mr. Weber-Andreas and they could get in touch with Weber-Andreas without consulting me.

Q. Do you remember an expression used by Mr. Weber-Andreas repeatedly in that connection?

A. Yes, he always spoke about his "Four Pillars" and after Herr Horn was retired he spoke of "Three Pillars" that supported him.

Q. Was there any other gentlemen added to these three gentlemen coordinated with you?

A. Yes, after Herrmann's accidental death in 1940, Director Helmut Borgwardt was added.

Q. Did Herr Hermann, Herr von Heider and Herr Borgwardt of whom you have just now spoken, belong to the Vorstand? Were they members of the Vorstand?

A. No, they were superior titular directors.

Q. Do you mean to say by that, then, that although you were a member of the Vorstand, you held equal rank with three gentlemen who were not members of the Vorstand?

A. Yes.

Q. Was there anything changed in your position after Weber-Andreas's death in the autumn of 1943?

A. No, the overall responsibility was assumed by Dr. von Schnitzler who replaced Weber-Andreas in that regard; although I belonged to the sales combine and was a member of the Vorstand, I was never even mentioned as a possible candidate. To the outside world I was apparently the deputy of Dr. von Schnitzler but it was fiction. It was decided by Borgwardt, von Heider and myself that Borgwardt and von Heider should be independent and that my deputy activity towards von Schnitzler should confine itself only to representing the sales combine chemists in the absence of Dr. von Schnitzler but this never actually came about until the end of the war, for my second residence was in Berlin. I stayed in Berlin for most of the time.

Q Mr. Haeffliger, who reported about the business of the Sales Combine Chemicals in the Vorstand?

A In the working committee, Mr. Weber-Andrease reported about the chemicals field; Dr. Kuehne, Dr. Pistor and later Dr. Buerger, on rare occasions. I, myself, reported only occasionally about affairs that I was assigned by Weber-Andrease as odd jobs. I remember the Petsamo affair on nickel, the sodium chloride project in the United States, the Nordisk Lattestall affair, the acquisition of the Metallguss, A.G. in Leipzig. From 1938 on, Dr. von Schnitzler used to report about the commercial meetings in the Vorstand and he used to take it upon himself to speak about things of general interest, and therefore Weber-Andrease did not report very much any more and didn't talk even about negotiations and agreements that were made with Sweden and other countries; for instance, Imperial Chemical Industry, Solvay Company, Montecatini Corporation, Pechiney, Aluminium Company of America, the Alcoa - etc.

Q Your Honors, reference is made to Haeffliger Exhibit 1 which has been already offered in evidence, an affidavit of Karl von Heider describing the actual position of the defendant within the framework of the chemical sales combine. The affiant testifies that the defendant was not regarded as deputy of Weber-Andrease and was coordinated with him, the affiant, and several other members of the staff who were no Vorstand members.

The next four affidavits which I am going to offer now are dealing with the position of Haeffliger within the Verkaufsgemeinschaft Chemikalien. All these affiants corroborated the statement of Karl von Heider and the testimony which Haeffliger just now made as to his position.

I am offering in evidence Haeffliger Document No. 15 which Your Honors will find in Book I on page 26 and which may go in as Haeffliger Defense Exhibit 2.

I am offering next in evidence, this is an affidavit of Helmuth Borgwardt, former titular director in the Verkaufsgemeinschaft Chemikalien.

I offer next in evidence Haeffliger Document No. 16 which Your Honors will find in Book I on page 29 and which may go in as Haeffliger Defense Exhibit 9. This is an affidavit of Wilhelm Kemp, former titular director in the Verkaufsgemeinschaft Chemikalien.

I am offering next in evidence Haeffliger Document No. 17 which Your Honors will find in Book I on page 32 and which may go in as Haeffliger Exhibit No. 10. This is an affidavit of Bodo Schaaf, former titular director in the Verkaufsgemeinschaft Chemikalien.

I am offering next in evidence Haeffliger Document No. 18 which Your Honors will find in Book I on page 33 and which may go in as Haeffliger Exhibit No. 11. This is an affidavit of Wilhelm Michael Schneider, former procurist in the Verkaufsgemeinschaft Chemikalien.

Q Mr. Haeffliger, I want to speak once more about the emphasis that you put on your work - the work you did within the International Conventions in the heavy chemicals field. Can you outline to the Tribunal in a few words the significance and the peculiarity of your activity?

A Yes, for this purpose I must first briefly speak about the nature of the chemicals business. The importance of the sales combine dye-stuffs and also the sales combine pharmaceuticals and photographic supplies did not have to consider current production to such an extent because their sales were conducted from storage places that could ordinarily be stock-piled for a period of a whole year and more, so that fluctuation in the sales field did not have a direct effect on the production plants. As a result, a close daily contact between the technical men or the plant managements and the sales organizations was not necessary. Contrary to these sales combines, however, the circumstances and the conditions in the sales combine chemicals were quite different. For the most part, this sales combine dealt with products, the stock-piling of which was rarely for more than for one or two months' supplies. In many instances, for instance, the mineral acids, one couldn't even stock-pile supplies for more than a few days.

During boom periods, the sales activity had to be directed every day so that not too many commitments of deliveries were entered into than could actually be met, for otherwise the customers could have claimed high compensation or they could have sued us for indemnity compensation if we didn't meet promised deliveries.

In the case of a recession, however, special provisions had to be made to increase the sales because in the chemicals field, the production cost in the case of a restricted production increased unproportionally quickly. That is a characteristic which is common to all of this particular industry all over the world, and that was a compelling reason why, in order to avoid ruinous collapse of prices in the case of a recession, one had to come to a peaceful understanding with the competitors abroad. On the other hand, however, to avoid strong increases in prices in the case of booms, one had to fix normal standard prices in order to prevent excess prices. Excess prices would have only held the danger that very shortly new competitive factories would have sprung up in that field since the necessary raw materials are accessible to anybody and since the technical processes for most manufactured goods are easily procurable and known to everybody. In that way abuses of investment of capital in all countries could be avoided.

Such ideas prevailed in all normal industry and in all chemical industry in Europe. Because of the short space over which the goods had to be moved and because of the varying freight rates, the money to be paid for those freight rates didn't play a decisive part. Therefore, these conventions and agreements deliveries could be cancelled on short order and that constituted a very unfavorable economic structure. It brought about a development which went back to the 90's of the previous century.

DR. WOLFF METZLER: Mr. President, may I respectfully ask to allow the defendant to complete his answer. It may be three or four minutes.

THE PRESIDENT: That is quite a problem. I do not know if we have enough sound track. I think perhaps we can. Go ahead.

THE WITNESS: Even the Russians had recognized the necessity of such cartel agreements in the closely connected European area in the case of the heavy chemicals field. In the working committee meeting of the 22 of April 1936, Mr. Weber-Andreas reported, in his capacity as the Chief of the Sales Combine Chemicals, "The relationship of the Russian interested parties in the field of heavy chemicals with their European competitors has now brought it about that they now seem to be ready for an understanding with the European competition. The negotiations conducted in that connection for bichromate, sodium sulphate, caustic potash and salt cake are probably going to cause the Russians to be pulled into the already existing international conventions." In subsequence, various agreements were made with the Russians; for instance, for anti-chloride, hydrochloride of soda, zinc chloride and barium chloride, sodium sulphate, bichromate, and so on.

DR. VON METZLER: This would be a suitable moment for a break.

THE PRESIDENT: Very well. There is one thing, Mr. Marshal. May I see you just a moment at adjournment? The Tribunal is now in recess until 9 o'clock next Monday morning.

(The Tribunal adjourned until 0900 hours, 15 March 1946).

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